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A FRAMEWORK FOR COMMUNITY JUSTICE IN THE WESTERN ARCTIC

JUNE 1999

prepared for

DEPARTMENT OF JUSTICE
GOVERNMENT OF THE NORTHWEST TERRITORIES

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EXECUTIVE SUMMARY

This document presents the findings and conclusions of a review of the Community Justice Program of the Government of the Northwest Territories Department of Justice. This review was carried out from January to April 1999 by the team of Campbell Research Associates, Kelly and Associates and Smith and Associates. The consultants spent a total of 28 person days in eight communities in the Northwest Territories and, over the course of the study, interviewed approximately 75 individuals either in person or by telephone with the assistance of an associate in Yellowknife. Our respondents deserve thanks for their contribution and time - they accommodated our schedule and many of them spent several hours answering our questions.

The purpose of the project was:

- to provide a description of community justice activities in all communities in the Western Arctic;
- to identify how the Department of Justice, through its funding and the structure and organization of its Community Justice Division and in collaboration with other justice agencies (including the RCMP and the Crown), can best support community justice in the western territory given the changing social, political and policy context; and
- to evaluate the effectiveness of these supports.

HISTORY AND CURRENT ENVIRONMENT OF THE COMMUNITY JUSTICE INITIATIVE

In 1993, the Department of Justice assumed responsibility for Corrections from the Department of Social Services although community corrections functions were maintained by the Department of Social Services. Nine community corrections positions already transferred to Justice would be used for developing innovative approaches to justice-related problems faced at the community level. Consequently, the Community Justice Initiative was implemented in June of 1994 through the establishment of a Community Justice Division within the Department of Justice. The nine transferred positions were reprofiled as "community justice specialists" located in each of the Territories' regions (at that time including Nunavut).

The Community Justice Initiative of the Department of Justice is currently operating in a transitional environment. There are a number of changes underway in the relationships between the Government of the Northwest Territories and Aboriginal communities:

- The creation of the Nunavut Territory on April 1, 1999, resulted in the transfer of community justice specialist positions serving regions in the Nunavut Territory along with the contribution funding for Nunavut communities.
- Self-government discussions in many of the Territories' regions are taking place and individual communities have expressed a desire to address their own security issues through taking on an expanded role in the administration of justice in their communities.
- There is the potential for expansion of the scope of community justice from prevention and diversion to involvement in a number of other justice-related roles. With the growing interest in restorative justice approaches, questions arise of how best to support community justice interests in making various models work at the community level.
- A stand-alone probation service for the Northwest Territories is being developed. This could have an impact on community involvement with the justice system.

THE CURRENT COMMUNITY JUSTICE PROGRAM

Overall, there is a high level of agreement among respondents endorsing the intent of the Community Justice Program. All of our respondents affirmed that community justice is not only an important and necessary program but that they would like to see communities take on even more justice functions. Most see it as enabling communities to have greater control over developing alternatives to the justice system that can benefit their community members. There is also a general consensus that the community development approach is appropriate for addressing the communities' justice-related needs.

ROLE OF COMMUNITY JUSTICE SPECIALISTS

In Chapter 4.0, the activities of community justice specialists [CJS], the supports they provide to justice committees as well as the training specialists have received and the training that they suggested is needed are discussed.

Many of those interviewed for this review are not sure of the role of the community justice specialist. Moreover, community justice specialists indicated that people are not clear about what they do and that they themselves are not certain about what they should be doing. Given the broad job definition of this role, their expected activities and responsibilities are open to considerable interpretation.

Responses are very mixed regarding whether or not community justice specialists are fulfilling the aims of the community justice initiative. While a slightly higher number of respondents think that CJSs are fulfilling the program's aims, many feel that they are not. Community justice specialists generally feel that they are meeting the expectations of their positions but some noted that barriers, such as political

interference, funding shortfalls and lack of training opportunities, hamper their job-related activities.

Specialists described a number of additional resources or supports that they feel would enable them to better meet the needs of communities. They also indicated that they need to be better connected to existing referral networks to assist with social, health and educational issues such as drug and alcohol addiction, counselling needs and family support issues.

Community respondents feel that CJSs could benefit from increased communication with the Department of Justice and with other components of the justice system in assisting communities. Among community-based respondents there was a unanimous response that the CJSs' relationships with outside agencies are helpful in addressing community needs.

The role of the community justice specialist is crucial to the success of the overall Community Justice Initiative and needs to be maintained. While the importance of the CJS position is acknowledged by respondents, it needs greater role clarification. Specialists require skill enhancement, a more proactive involvement with communities and increased visibility among local agencies, organizations and decision-makers.

COMMUNITY JUSTICE COMMITTEES AND COORDINATORS

Currently there are 31 community justice initiatives funded by the Department of Justice, 26 of which involve community justice committees. In 1998, 15 of these committees were active while the remainder (i.e., 11) were not. Chapter 5.0 presents a detailed picture of the mandate, structure and activities of the committees as well as the role of coordinators. It also describes the training provided to committee members and coordinators and the additional training needs that they identified. Committee relationships with CJSs, justice personnel and other organizations are outlined in this chapter.

Committee Coordinators

Coordinators may be required to perform a wide range of functions for committees. Given the variety of tasks expected of coordinators, it is not surprising that some committees have found it difficult to identify a suitably qualified person for the position. The fact that most committees' funding is only adequate for a part-time coordinator was reported to be a discouraging factor.

Coordinators said that not only the hours but the nature of the work is stressful and that they often lack the necessary training or program support to enable them to perform their duties well.

Training Needs of Committees and Coordinators

The level of training currently held by committee members/coordinators and the need for additional training was one of the most often discussed topics among the respondents interviewed during this study. Although two-thirds of committee members/coordinators indicated that they had received some specific training for their work with the committee, most feel that additional training is required.

Activities of Committees

Depending upon the community in which they operate, and the degree to which they have matured, community justice committees engage in a number of justice-related activities. While the range of activities across all committees is extensive, most are focused on handling diversions and few are engaged in more than one or two other activities (such as fine options or prevention programs). Though community justice committees engage in a variety of justice-related actions, no community appears to be undertaking a comprehensive range of education, prevention, justice delivery and aftercare activities.

There was a mixed response across all respondent groups regarding whether the activities of community justice committees are adequately addressing justice needs and issues at the local level. However, as is fitting for a program based on communities defining their justice interests, most respondents endorse the concept of communities setting their own priorities for their activities. There are distinctly differing views between respondents who feel that committees are able to take on more than they currently handle and those who feel that they are already busy enough within the limitations of committee members' time, support services and coordination available to them. What is obvious is that busier committees require the support of coordinators and that additional activities would therefore have implications for the level of funding committees receive.

There are still essential developmental steps to be taken by communities: developing community justice committees where they do not exist, expanding the knowledge of committee members and undertaking a greater range of restorative justice approaches at the community level.

Relationships with Justice Personnel

One of the most important relationships in the Community Justice Program is between the RCMP and community justice communities regarding diversions. The RCMP are the "gatekeepers" of diversion in that they decide which cases will be diverted to committees. Most RCMP officers indicated support for the program and have been involved with committees in the communities to which they have been posted. Half of the interviewed RCMP have diverted cases to the committees and one-third have attended committee hearings or meetings. A number have provided training and information about the justice system and some have assisted with the development of a justice committee in the community.

The RCMP is currently undertaking a territory-wide initiative to train its personnel in family group conferencing and to encourage local officers to lead the development of this initiative in their communities. The possibility of being trained to carry out family group conferences will be appealing to committees and will address some of the expressed needs of communities. However, it will also place more demands on existing committees and could shift the focus of both existing and new committees to carrying out a single program which is not community-determined. This will be counter to the philosophy of the Community Justice Initiative although family group conferencing would be a valuable adjunct to it. The Department of Justice should carefully consider how this RCMP initiative will fit with the aims of its own Community Justice Program and with the capacity of communities to carry it out.

Justice Canada Crown Attorneys who provide prosecution services in the Northwest Territories have some involvement with local committees, though little direct relationship with them as almost all diversions are pre-charge. Crown involvement is largely occasional and only at a very general level, not with respect to specific matters. Crowns see some committees as being effective and "doing a great job" - matters are resolved faster without going to court. However, they also expressed concerns regarding the extent to which victims' needs, especially those of female victims, are being addressed by committees and whether committee membership is representative of all sectors of the community. Crowns support the aims of the Community Justice Program, though, and feel that they could be more involved through providing education about the criminal justice system as well as information, assistance and support to committees.

The creation of a stand-alone probation service within the Corrections Division of the Department of Justice will present additional opportunities to CJSs and committees. It will be important for both to establish relationships with probation officers in the field from the outset. Probation officers may seek assistance from committees in finding ways to help address offenders' needs in order to reduce breaches of probation and, ultimately, re-offending. Many committee respondents indicated the importance they place on crime prevention and involvement with the probation service will offer one way of meeting this objective.

Communication between committees and key justice system agents, especially the RCMP, Crowns and the new probation service, needs to be strengthened so that all parties can work together to advance community justice. Both the community justice specialists and senior Department management can play an important role in facilitating relations between the program, the Division of Corrections and the justice system at the community, regional and Territorial levels.

Relationships with Other Organizations

Few community justice committees maintain formal relationships with organizations external to the justice system. Community and organizational respondents

acknowledged a need for greater involvement and improved linkages between community justice initiatives and external organizations as a way of enhancing the ability of communities to address justice needs. However, with a couple of exceptions, most justice initiative projects are not connected to external networks of supporting organizations. Respondents from the social services sector feel that, ideally, community-based justice initiatives and service agencies should work together to close gaps in the system, to better address community issues and needs and to more effectively help individuals with healing, restoration of self-esteem and personal growth. In a resource-constrained environment, relationships, partnerships, networking and sharing of information and assistance needs to be encouraged among agencies/organizations within communities and at the regional level.

FUNDING AND ACCOUNTABILITY

Chapter 6.0 describes the funding process, reporting requirements and accountability structure of the Community Justice Program. The key problems experienced by communities and the issues raised by Department of Justice respondents are discussed in terms of their implications for effective program delivery.

Funding Process and Reporting Requirements

The Community Justice Initiative has established an annual funding level for the 31 communities in the Northwest Territories. These levels are based on community size with a floor of $8000 for small communities of 200 or less population. In 1998/99 a total of $557,500 was allocated for Western Arctic communities, ranging from $8000 for five communities to $73,000 for Yellowknife. In that fiscal year, $547,000 was disbursed, of which $57,500 was provided to six communities/committees for the operation of fine options or community service order programs. In addition, approximately $400,000 was used for CJS salaries, travel and program expenses. In 1999/00, there is an enrichment of $146,200 for Western Arctic communities to enable them to hire coordinators and increase the honorariums to committee members.

There are a number of issues concerning both funding and accountability that need to be addressed. The failure to take-up the total amount of funding available for communities is related to a number of factors though it is certainly possible for CJSs to play a more active role in this regard. The pace at which the funding process moves, including the Department's release of moneys, is too slow and unpredictable for communities who are depending upon a steady flow to pay coordinators, honorariums and plan activities. The Community Justice Division has taken a proactive role in "fronting" the first payment of moneys to communities. This involves some risk of losing funds but it must also be recognized that a funding process tight enough to avoid any loss whatsoever would only penalize communities and work against the philosophy and intent of the program. It is possible to improve

the process internally, however, and to implement more systematic early follow-up on the part of CJSs.

Accountability

Accountability on the part of the CJSs to both their employer (i.e., the Community Justice Division) and to communities needs to be strengthened. CJSs are the primary link between the Department and the communities and, as such, carry the responsibility of ensuring that the Community Justice Division is informed about the program's operation and that it is addressing community justice needs to the extent that its mandate allows. As the key agents of the program, CJSs need to be providing more information, including accountability for their own role, to the Community Justice Division.

Most coordinators/committee members reported that they are maintaining minutes of meetings and records of their activities. Some receive regular financial updates from the sponsoring organization. Several have also instituted reporting processes to the RCMP regarding diversions and their outcomes. In most cases, coordinators indicated that they regularly provide reports about these to their committees.

PROGRAM EVALUATION AND MONITORING

Chapter 7.0 addresses the requirements for an evaluation and monitoring framework for the Community Justice Initiative and outlines a process for developing these functions. It discusses the need for a program logic model, the potential data collection processes, suggested uses for the information and the role of the Department of Justice in supporting program evaluation and monitoring.

Evaluation requires a clear definition of the objectives of the program as well as of the actions that are being taken to achieve these objectives. In the case of the Community Justice Program, it is not clear what the intended outcomes are and, therefore, how these can be measured. There are several versions (some marked draft and others not dated) of the mission statement/values/principles document but no indication of which is the most current "official" version.

To evaluate the effectiveness of the current operation of the Community Justice Program, the chain of actions, the agent responsible for implementing these actions and the expected results (i.e., goals and objectives) for each need to be specifically defined before measurable indicators and appropriate data collection processes can be determined.

The importance of information from coordinators/committee members lies only partly in helping the Community Justice Division maintain program accountability and provide evidence that additional funding will be well-used for the benefit of communities and the justice system. It is just as important that the information be

made available to communities both so that they can see whether the Division is doing the job it should and so that they can learn from each other's experience.

The first task of the Community Justice Division, however, must be to clearly establish the program's parameters, aims and objectives and the ways in which it is purporting to achieve these. Defining what to measure and why has to be done before it is possible to determine the indicators and methods through which this can be carried out.

COMMUNITY JUSTICE INITIATIVES IN OTHER JURISDICTIONS

Chapter 8.0 provides a summary of the community justice initiatives in other jurisdictions in Canada from the broad perspective of restorative justice. The chapter describes some specific projects and programs identified as 'best examples' of initiatives in other Canadian jurisdictions. The key issues and concerns surrounding these projects are discussed as well as the 'best practices' at the current time. Some comparisons with the GNWT Community Justice Initiative are drawn.

Community restorative justice initiatives in other jurisdictions as well as in the Northwest Territories are at varying stages of development and are continuing to evolve unique culturally relevant models suited to individual community needs. It is evident that many of the justice models are attempting to address concerns of community accountability, misuse of power, protection of victims rights and evaluation in the reshaping and enhancement of existing programs and in the design of new ones. The GNWT Community Justice Division and community justice committees are struggling with many of the same issues that have been encountered by similar initiatives in other Canadian jurisdictions, such as the need for training, community accountability, provision of supports for victims and offenders, appropriate staffing, establishing policies and procedures, reporting and record-keeping, integrating traditional ways with existing justice system requirements and evaluating the results of their programs.

Our review of community justice initiatives points to the fact that there is no "perfect" model which can be adopted as it stands by other jurisdictions and communities. An essential feature of each is that communities should control and adapt current practices to fit their own circumstances and traditions. The experience of these programs provides important lessons that enable others to build on their successes and avoid their mistakes. Some of the recommendations made in this report reflect what has been learned from the 'best practices' of other community justice programs as well as the issues particular to the GNWT Community Justice Initiative.

OPTIONS FOR THE GNWT COMMUNITY JUSTICE INITIATIVE

The findings and conclusions of this review depict a program that has much merit in both its intent and execution. The program's strengths are several. Its philosophy is consistent with the approach to community-based justice that most respondents consider desirable: flexibility at the local level, community determination of activities, and encouraging relationships with the existing Euro-Canadian justice system. Both the NWT respondents and the review of programs in other jurisdictions confirm the importance of the position of community justice specialist and the essential role they can play. Similarly, there is strong endorsement of community justice committees as a mechanism providing community ownership and control of justice and of the necessity for coordinators in each community to assist committees with their work.

There are, however, some weaknesses in the implementation and operation of the program which need to be addressed so that it can serve community justice needs more effectively. The approximately three dozen specific recommendations in this report point to a number of broad actions that should be taken:

- develop a vision for the program and define its goals and objectives based on this vision;
- clarify the roles, responsibilities and relationships of Department of Justice and community actors involved in carrying out the program and in activities related to the program;
- implement new accountability mechanisms and relationships;
- create more effective reporting and communication processes;
- build cooperative relationships with the justice system as well as with the human services sector;
- provide the necessary supports and resources to increase communities' capacities to address community justice needs.

Although the focus of the study was the GNWT Community Justice Program, our respondents often pointed out that many of the justice-related problems which committees are attempting to address are rooted in social conditions that are beyond the power of committees to affect: alcohol abuse, family conflict, inadequate parenting skills, lack of recreation opportunities for youth, personal and community histories of abuse in residential schools, breakdown of extended family relationships and the change in the traditional role of elders.

It is clear that community justice is intrinsically related to the overall health and social well-being of the population. The suggestion made by some respondents of a "social envelope" approach with the full involvement of the Department of Justice Community Justice Division speaks best to this. Coordination of programs among education, housing, health and social services and justice has the most potential for meeting community needs. Although this is the ideal long-term solution to many problems, it is recognized that both the Department of Justice and communities in the Western Arctic are anxious for assistance with immediate justice-related needs. The challenge facing the Department of Justice is to return control while not abdicating

its responsibility to assist communities establish processes that meet the needs of all community members and provide for a smooth transition in the use of power.

Five options have been put forward to the GNWT Department of Justice regarding how its Community Justice Program can be best structured to help communities develop their community justice programs. In all options the continuing involvement of the Community Justice Division will be necessary and its existence as a separate entity in the Department of Justice must be maintained.

The discussion of options in Chapter 9.0 describes the essential criteria that must be met by any potential transfer partner, sets out the advantages and disadvantages of each option and indicates the anticipated role of the Department of Justice within each of the alternatives. The five options for the Community Justice Program are:

- The Department of Justice retains the program.
- The program is transferred to a justice institution, for instance a legal services board.
- The program is transferred to a pan-territorial body.
- The program is transferred to a regional organization/Aboriginal government.
- The program is transferred to individual communities.

Neither Option One (i.e., remaining with the Department) nor Option Two (i.e., transfer to a justice institution) addresses the desire of many communities and Aboriginal organizations for greater control of community justice and accountability closer to the community level. Although Option Three (i.e., transfer to a pan-territorial body) offers the potential for increased Aboriginal control of the program, it also suffers from the same drawback of Option One in that it would preserve the highly centralized structure that currently exists and is widely regarded as not able to be adequately responsive to differing community and regional needs.

In all of the transfer options, there will be some duplication of administrative structures with the remaining role of the Department of Justice. Transfer to several regional organizations will require similar administrative functions to be carried out in each. The costs of administration, given that new program moneys appear unlikely, will have to come out of the existing program budget thus decreasing the funds available for program delivery at the community level. The extent to which this may be acceptable will have to be weighed against the advantages of transfer. While maintaining the current program structure in the Department of Justice has the clear advantage of minimizing administrative costs (and therefore maximizing community funding), it does not meet the expressed desire to have the program delivered closer to the community level where the benefits can be best realized. Ultimately, Option Four (i.e., transfer to a regional organization/Aboriginal government) holds the most promise for optimizing the program's aims and the aspirations indicated by respondents to this review. This Option should be exercised with full understanding of the parties that community funding may be affected and that an initial "pilot"

transfer may be the best way to demonstrate: increased accountability to the community level, increased effectiveness and responsiveness to local and regional issues, greater control of community justice, new partnerships in community justice initiatives and administrative efficiencies in the program.

1.0 INTRODUCTION AND TERMS OF REFERENCE

This document presents the findings and conclusions of a review of the Community Justice Program of the Government of the Northwest Territories Department of Justice. This review was carried out from January to April 1999 by the team of Campbell Research Associates, Kelly and Associates and Smith and Associates. The consultants spent a total of 28 person days in eight communities in the Northwest Territories and, over the course of the study, interviewed approximately 75 individuals either in person or by telephone with the assistance of an associate in Yellowknife. Our respondents deserve thanks for their contribution and time - they accommodated our schedule and many of them spent several hours answering our questions.

The first two chapters of this report provide the reader with a detailed account of the objectives of the review and the activities undertaken to address these objectives.

1.1 Purpose of the Study

The purpose of the project was:

- to provide a description of community justice activities in all communities in the Western Arctic;
- to identify how the Department of Justice, through its funding and the structure and organization of its Community Justice Division and in collaboration with other justice agencies (including the RCMP and the Crown), can best support community justice in the western territory given the changing social, political and policy context; and
- to evaluate the effectiveness of these supports.

1.2 Terms of Reference

The agreed-upon Terms of Reference for the review asked for:

- a description of the community justice committees in the Western Arctic, including:
  - their structure, membership, criteria for membership, mandate and training;
  - resources available to support committees;
  - the role played by the Community Justice Specialist;
  - the use made of contribution funding; and
  - level and type of community justice activities.

- a summary description of community justice initiatives and activities in other jurisdictions;

- an analysis of how the activities of the community justice committee address the problems in the community and make recommendations concerning the kind of activities that should be emphasized, the resources needed to deal with the problems and identify gaps in information on community justice activities;

- recommendations based on community consultations and a review of other jurisdictions' best practices regarding:
  - how the Department of Justice can best support community justice including:
    - the structure of the Department of Justice Community Justice Division and the location of its resources; and
    - a consideration of how the model would lend itself to transfer or devolution to an Aboriginal government, claimant or other appropriate organization;
  - the relationships between community justice committees and outside agencies (Crown, RCMP, other GNWT departments, etc.) required to better support community justice and how cooperation and support can be ensured;

- an evaluation framework for the monitoring and evaluation of community justice initiatives (both process and outcome) including:
  - consideration of how monitoring can be structured to best facilitate community development and project development;
  - the role of the Department of Justice in this process; and
  - a process for collecting the information and using it effectively.

2.0 STUDY METHODOLOGY

A number of research activities were carried out to address the review objectives. These are described below along with certain limitations that may have affected the comprehensiveness and quality of the information required to fulfil the objectives outlined in the Terms of Reference.

2.1 Site Visits and Interviews

The review respondents and communities to be visited were determined by the Department of Justice project committee (including the Deputy Minister, Assistant Deputy Minister, Director of the Community Justice Division and Director of the Policy and Planning Division). Both this committee and the consultants felt that community visits were necessary to provide an appropriate context for the review and to adequately address the review questions within this context. Although it was recognized that visits to all Western Arctic communities would be the most desirable approach, the timing of the review and resources available precluded this. Within these constraints, eight communities were selected, representing all of the Western Arctic regions, varying population sizes and diverse conditions. These communities were: Yellowknife, Hay River, Rae-Edzo, Fort Simpson, Fort Resolution, Inuvik, Fort McPherson and Deline.

The individuals and organizations to be interviewed were also defined by the project committee. A list of 67 persons (including GNWT Department of Justice respondents, community justice committee representatives, First Nation Chiefs, Aboriginal organization representatives, RCMP management personnel and individuals in a variety of organizations related to the program) was provided to the consultants. The Department of Justice notified these individuals by letter that a review was being carried out and outlined the schedule of community visits when the consultants would be available for meetings. The recipients of the letter were asked to contact the Division of Community Justice to arrange either a personal meeting or a telephone interview according to their own preference and availability. An additional survey of RCMP officers in 21 Western Arctic detachments (i.e., including those in communities not visited) was conducted by the local associate.

Three different interview instruments were used: one for Community Justice Division staff, community justice committee chairs and coordinators; one for other community respondents and regional/territorial organization representatives; and one for RCMP detachment officers. Some questions were not relevant to every individual identified because of the range of different types of respondents - some having a close relationship to the program (i.e., community justice specialists, committee chairs and coordinators) and others (in the "community respondent" category) having varying levels of knowledge about the program. As a result, some of the information provided for the various areas covered in the study rests on a smaller number of responses than the total number of interviews carried out. For some questions, the numbers in each respondent category were too small to permit break-down of the responses by these different groups without risking identification of specific individuals. In other cases,

the small numbers in a particular respondent category did not enable conclusions to be drawn about the overall views of that group.

In reporting our study findings we have identified differences, where there were any, between major respondent groups but otherwise have presented responses for our respondent group as a whole. The responses reflect a diverse range of perspectives based on the position held by the individual and the extent of their involvement with the Community Justice Program. The findings and conclusions also reflect the fact that just eight communities were visited (out of a possible 31 for which funding had been designated in 1998-99) although telephone interviews were carried out with committee chairs, coordinators or community representatives in another nine communities.

2.2 Inventory of Community Justice Committees

The local associate prepared an inventory of all currently existing community justice committees (see Appendix B) to provide a profile of the characteristics and activities of these committees. Information for the inventory was based on interviews with the community justice specialists and a review of records maintained by the Community Justice Division. Because community justice specialists were not able to provide all of the detailed information we asked for, there are some gaps and discrepancies in the data. These gaps have been identified in the report (see Section 7.0).

2.3 Review of Other Jurisdictions

In examining similar programs in other jurisdictions, the consultants were instructed to focus on the Canadian experience, particularly in Aboriginal communities. Telephone interviews were carried out with key individuals who are involved either in research in this area or in direct program operations. The review was not intended to be exhaustive but was, instead, to search for examples that would help identify the "best practice" elements of these models.

3.0 THE COMMUNITY JUSTICE INITIATIVE

This chapter summarizes the history and development of the Community Justice Initiative and provides an overview of the program as it currently exists. The first section of the chapter examines the history of the Community Justice Initiative. The second section presents a picture of the current program and the context in which it is delivered while the final section describes the familiarity of our respondents with the Community Justice Initiative.

3.1 History of the Community Justice Initiative

In 1993, the Department of Justice assumed responsibility for Corrections from the Department of Social Services. In addition to adult and youth correctional facilities came responsibility for community corrections through the transfer of nine community corrections positions from Social Services. However, these positions were deemed inadequate to provide community corrections services across the Territories. As a result, a Memorandum of Understanding was signed with the Department of Social Services whereby responsibility for community corrections functions (such as pre-sentence reports, probation supervision, etc.) would be maintained by the Department of Social Services.

This arrangement permitted the nine positions already transferred to Justice to be used for developing innovative approaches to justice-related problems faced at the community level. Seeking alternatives to courts and jails was necessary because of the significant pressures on the criminal justice system. Crime rates in the Northwest Territories were three or four times the national rates and, in the case of violent crimes, the ratio was closer to eight times the national rates. Demographic realities dictated that these pressures could only worsen in coming years. For some time the response to this pressure had been to devote more resources to the system: to policing, legal aid, courts and corrections. By the time of transfer of Corrections, though, there was a growing consensus in the criminal justice community that this kind of response could not be sustained fiscally. As well, there were doubts about the effectiveness of responding to the problem of crime by just increasing budgets for the existing system.

At the same time there was growing awareness nationally, aided by the publication of several highly critical inquiries, that the criminal justice system in Canada was not serving Aboriginal people well. There was also dissatisfaction expressed at the community level with the perceived ineffectiveness of this system. As a result, there was a high degree of interest, both among justice players and the political leadership, in exploring potential alternatives to the current Euro-Canadian system.

At the time of the transfer of Corrections to the Department of Justice, a decision was made to devote resources at the community level to promote approaches whereby community members could be more directly involved in dealing with justice-related problems arising in their communities.

Consequently, the Community Justice Initiative was implemented in June of 1994 through the establishment of a Community Justice Division within the Department of Justice. The nine transferred positions were reprofiled as "community justice specialists" located in each of the Territories' regions (at that time including Nunavut). These community justice specialists were directed to use a community development approach to support the work of individual communities in strengthening their own capacities to deal with their particular social and criminal justice problems. Consistent with that approach, the Department of Justice declined to be prescriptive in determining what communities could and could not do. Instead, communities were encouraged to establish community justice committees as a primary vehicle of community interest in justice matters.

While there were no explicit program goals or objectives defined at that point, the general principles that informed, and continue to guide, the work around community justice at the Departmental level were that the primary responsibility for community justice lies with communities and that the Department of Justice has a role in supporting the development of community justice initiatives.

3.2 The Current Community Justice Initiative Program

Below is a description of the Community Justice Program as it is currently structured and a brief discussion of the social and political context in which it is operating.

3.2.1 Overview

The mission statement of the Department of Justice Community Justice Division states:

> *"The Community Justice Division of the Department of Justice recognizes and respects People's right to their own justice system through restorative and wholistic justice models founded on individual, family and community healing. Community Justice is committed to community empowerment and a real shift in power, authority and allocation of resources."*

The Community Justice Division has also set out a number of principles which guide its Community Justice Program. These include:

"
- *a commitment to personal growth and healing.*
- *a commitment to community development as a process.*
- *a wholistic approach to the physical, emotional, mental and spiritual wellness of the people.*
- *a way of work which respects and addresses the diversity of people and communities.*
- *Aboriginal approaches to justice are distinct, recognized, respected and protected from government regulations.*

- *inter-divisional and inter-departmental coordination and collaboration will be open and sensitive to the expressed goals and objectives of communities.*
- *people must have the principal role in the development, delivery, governance and evaluation of their community justice practices and the Community Justice Division and specialists will be guided by their evaluation."*

According to the Community Justice Division's brochure Community Justice ... Justice in Your Community, community justice is:

> *"... Restorative Justice where the focus is on the healing of relationships leading to harmony in the Family and Community."*

and:

> *"... based on the teaching of Aboriginal Peoples which emphasize healing, respect, cooperation and balance."*

Despite these statements, there does not appear to be an official and consistent mission statement for the Community Justice Initiative which defines the goals and objectives of the overall program among the several documents reviewed for this study. The fact that there are several broadly worded "mission" statements may contribute to the confusion about the program and what it is supposed to do, as indicated by many of our respondents.

The Community Justice Division of the Department has overall responsibility for the Community Justice Initiative Program. The Division includes a Director of Community Justice, a secretary, a Victim Assistant Coordinator, a Coordinator of Community Policing and five regionally-based community justice specialists. The community justice specialists, their base community and the communities they serve are presented in the following table.

COMMUNITY JUSTICE SPECIALIST	BASE COMMUNITY	COMMUNITIES SERVED
Phila Fyten	Inuvik	Inuvik Fort McPherson Tuktoyaktuk Paulatuk Aklavik Sachs Harbour Tsiigehtchic Holman Island
Dwayne Lafferty	Fort Simpson	Fort Simpson Wrigley Fort Liard Jean Marie River Nahanini Butte Trout Lake

COMMUNITY JUSTICE SPECIALIST	BASE COMMUNITY	COMMUNITIES SERVED
Lawrence Norbert	Yellowknife	Yellowknife Dettah Ndilo Rae Edzo Wha Ti Snare Lake Rae Lakes
Helen Hudson McDonald	Fort Smith	Fort Providence Fort Resolution Fort Smith Hay River Kakisa Lutselk'e
Mary Kodakin	Deline	Colville Lake Deline Fort Good Hope Norman Wells Tulita

The precise number of community justice committees across the Northwest Territories is difficult to determine as there is a discrepancy between the number of committees reported by the RCMP and that reported by the community justice specialists. While the Department funds 31 Community Justice Initiative projects, it is estimated that there are 15 community justice committees active at this time (not every funded community or project involves a committee, nor is the creation of a committee required by the program). These committees are at varying stages of formation and development with some having been operational for a number of years. Some committees are strictly youth justice committees while others deal with both youth and adult diversions. In 1998, across all communities, there were 201 cases diverted from the court. Of this total, 122 were youth diversions and 79 were adult diversions.

In 1998/99 the Community Justice Division operated with a budget of 2.355 million dollars. During that year, $557,500 was allocated for direct disbursement to community agencies and committees in the Western Arctic through contribution agreements.

3.2.2 Context and Issues

The Community Justice Initiative of the Department of Justice is currently operating in a transitional environment. There are a number of changes underway in the relationships between the Government of the Northwest Territories and Aboriginal communities.

Perhaps the most significant change has been the creation of the Nunavut Territory on April 1, 1999. Those community justice specialist positions serving regions in the Nunavut Territory have been transferred to the Nunavut government along with the

contribution funding for Nunavut communities. Clearly the reduction in size and scale of the Community Justice Program in the Northwest Territories has implications for the future structure and delivery of the initiative.

The changing relationship between the government and Aboriginal communities is attributable in part to the furtherance of self-government talks in many of the Territories' regions and in part to individual communities specifically expressing the desire to address their own security issues through taking on an expanded role in the administration of justice in their communities. One regional organization in the Northwest Territories has expressed an interest in assuming responsibility for both the community funding and the regional justice specialist position; another Aboriginal organization has expressed an interest in assuming all of the community justice functions currently performed by the Community Justice Division of the Department of Justice.

There is the potential that the scope of community justice could expand from prevention and diversion to involvement in a number of other justice-related roles. With the growing interest in restorative justice approaches, questions arise of how best to support community justice interests in making various models work at the community level. To date, community justice committees have primarily dealt with crimes against property though some communities have expressed an interest in including a broader range of offences, particularly those involving violence. While this may appear to be a natural extension of community justice, there is a need to protect the interests of victims and vulnerable persons and ensure that these groups are not re-victimized through the process.

An important consideration in the changing justice environment in the Northwest Territories is the recent approval of a stand-alone probation service. While this service will create the opportunity for more offenders to serve their sentences in the community, this development could have an impact on community involvement with the justice system and on community willingness, particularly that of the justice committees, to accept greater responsibility for offenders.

Canada's Aboriginal population continues to grow at a rate faster than the national population and comprises a significantly younger age structure. In the Northwest Territories, the increasing proportion of the younger population, along with pressures that often result in young persons coming into conflict with the law, will likely have an affect on community justice initiatives. This demographic change, and accompanying results, could constrain or exceed the current funding and other resources available to support community justice interests.

3.3 Familiarity with the Community Justice Initiative Program

Very few respondents interviewed during the course of this study are not aware of the Department of Justice's Community Justice Initiative. Many in fact have some level

of involvement with the initiative through their job related duties, through supporting the program as a player within the justice sector or through having been formerly involved with the initiative.

Most respondents have some recognition of the position of community justice specialist and the existence of community justice committees and coordinators. However, familiarity with individuals/members and the work in which they are involved appears to depend upon the type of interaction the respondent has had with the Community Justice Program.

While respondents expounded a variety of opinions regarding the purpose and intent of the Community Justice Initiative, their main understanding consists of:

- getting communities more involved in the justice system;
- trying to improve social conditions in communities by having community members as involved as possible in solutions to justice issues;
- handling diversions from the RCMP and the court;
- giving communities more ownership of justice issues;
- recognizing traditional alternatives to the mainstream justice system;
- encouraging and facilitating communities to find appropriate solutions to their own community justice issues.

Most respondents indicated that they agree with the intent of the program.

As might be expected, given the composition of our respondent group, the term "community justice" has different meanings for different respondents. Though some individuals see community justice as the community taking control of its justice needs and dealing with its own problems, others see it as an adjunct to the Euro-Canadian justice system with its premise that people are bad and need punishment. Some respondents see community justice from a process perspective where the "committee", "circle" or "panel" deals with people who get into trouble, while another group sees it as a philosophical approach that recognizes attempts by the Aboriginal community to restore justice mechanisms more suitable to their culture. While the above comments cluster around fairly specific viewpoints, particular respondent groups did not express common views. Some justice community respondents, for instance, described the term "community justice" in one way while their colleagues have a different concept of it. Similarly, some RCMP respondents share the same views as community-based respondents have though other RCMP indicated an altogether different understanding.

A large majority of respondents feel that the community development approach is the right one for carrying out the program. Respondents based this opinion on:

- avoiding the danger of having the program driven by government or department staff;
- bringing together the right supports at the community level to address needs;

- involving not only the justice community but people from all backgrounds in the community;
- letting the community define the solutions that work for them;
- providing the community with choices and options to address justice needs;
- assisting and strengthening the community rather than doing it for them.

Respondents who do not feel that the community development approach is the right one indicated that:

- the time for "developmental" work is over, let's get on with the task;
- this is not really community development, it is a government-led cookie cutter approach where communities are given a format that is appropriate to the government and the justice system but it does not leave a lot of room to be unique or to show the strengths of the community/people.

Overall, there appears to be a high level of agreement among our respondents endorsing the intent of the Community Justice Program and what this intent is. Most see it as enabling communities to have greater control over developing alternatives to the justice system that can benefit their community members. There is also a general consensus that the community development approach is appropriate for addressing the communities' justice-related needs. There is less agreement, however, on just what "community justice" itself means.

4.0 ROLE OF COMMUNITY JUSTICE SPECIALISTS

This chapter examines the role of the community justice specialists, the activities they carry out and the supports they provide to community justice committees as explained to us by our respondents.

4.1 Job Description

According to the Report on Community Justice in the Northwest Territories - Submitted to the Standing Committee on Social Programs, July 1996, the role of the community justice specialist is to:

> *"encourage the growth of interest and capacity for resolving problems at a community level. They make sure that a full range of options is laid before the community. The role is facilitative not a directive one. The Specialists take their lead from the communities and attempt to respond to the needs which have been identified by the communities."*

A generic job description has been developed for the position of community justice specialist. This job description dates from 1993, indicating that no significant changes to the official duties of the CJS position have occurred since that time. The job description is set out under nine major headings and a number of sub-headings. These include:

1. IDENTIFICATION
   - includes job title, position number, department, division/region and location

2. PURPOSE
   - describes the role of the position as
   - *"the incumbent provides guidance, consultation and assistance to various community, regional and governmental officials, groups and contractors in relation to community-based justice programs and youth custodial services"*
   - *"monitors and evaluates community-based justice programs and open custody services to ensure effectiveness and efficiency"*;
   - *"provides service proposals and assists in financial forecasting"*;
   - *"provides assistance in other departmental program areas as required by the Coordinator, Community Justice"*.

3. DUTIES AND RESPONSIBILITIES
   1. Liaises and assists various community, regional and governmental officials and groups in relation to adult and youth community-based justice programming;
   2. Provides guidance, consultation and assistance to department of justice staff in the development and implementation of community-based justice programs and services to adult and youth offenders;
   3. Provides guidance and assistance to contractors and department of justice staff in relation to the provision of contracted services;

4. Provides guidance, supervision and training to one or more community justice workers or community justice worker trainees;
5. Monitors and evaluates community-based justice programs and open custody services to ensure effectiveness and efficiency;
6. Provides service proposals and assists in financial forecasting;
7. Provides assistance in other departmental program areas as requested by the coordinator, community justice.

4. SKILLS AND ABILITIES
   - describes the skills and abilities needed to perform the duties and achieve the goals or expected results of the position
   - identifies the training and experience that usually would produce the required job skills

5. AUTHORITY
   - identifies the decisions and recommendations required to be made in the job
   - identifies to whom the decisions are to be made
   - identifies the impacts or effects of the decisions and/or recommendations made in the position

6. EQUIPMENT
   -lists the equipment, and what is done with it, in performing the duties of the job

7. CONTACTS
   - describes the contacts made in the position, who, why and how often

8. ENVIRONMENT
   - describes the work environment, mental or physical demands of the job, exposure to disagreeable conditions, stress, hazards that may be encountered as a part of the work routine

9. CERTIFICATIONS
   - signatures of employee, supervisor and deputy minister/department head

Many of our respondents are not sure of the role of the community justice specialist and a number indicated that they have never seen a job description for the position. While most respondents were willing to offer opinions about what the role of the CJS should be, these opinions are generally speculative and not based on direct interaction with the CJS position. Where respondents felt they had an understanding of the roles and responsibilities of the CJS position, they noted the following roles:

- helps communities to achieve their community justice goals;
- provides information to community justice committees;
- identifies and gathers information about resources;
- informs the public to create a greater awareness of what is going on in the justice field;
- is involved with committees but does not direct them;
- acts as agents for social change.

Community justice specialists indicated that people are not clear about what they do and that they themselves are not certain about what they should be doing. Given the broad job definition of this role, their expected activities and responsibilities are open to considerable interpretation. This is both an advantage and a disadvantage. It allows a wide degree of scope to those individuals in the CJS position who are self-directed, highly motivated and can work successfully on their own. On the other hand, it does not provide adequate structure and job definition for those CJSs who require greater guidance in carrying out their work.

Respondents have a strong sense that there are some good and some not-so-good community justice specialists and that the CJSs' abilities to fulfil their responsibilities vary from individual to individual. Many respondents identified necessary personal attributes such as being a "self-starter" and "highly motivated" as being required of a good CJS.

Responses are very mixed regarding whether or not community justice specialists are fulfilling the aims of the Community Justice Initiative. While a slightly higher number of respondents think that CJSs are fulfilling the program's aims, many feel that they are not. A number of political leaders interviewed expressed concerns that they are not being informed about the activities of the local CJS and therefore feel out-of-touch with both the position and the program. This raises an issue of the need for local communication to ensure better accountability between the CJS position and decision-makers who have responsibility for a number of programs and services at the community level. It was also noted that in some communities, depending upon how active the community justice committee is, the CJS may be closer to fulfilling program aims than in other communities where committees are less active. This also appears to be related to the location of the CJS position and its proximity to the communities it serves. Communities that are the home-base of CJSs may have more frequent contact with them. Community justice specialists generally feel that they are meeting the expectations of their positions but some noted that barriers, such as political interference, funding shortfalls and lack of training opportunities, hamper their job-related activities.

It is evident overall that there is a fair degree of confusion and lack of understanding and knowledge regarding the purpose of the community justice specialist and the job-related duties and responsibilities of the position. This information gap results in many questions being raised about the activities of CJSs along with concerns about whether they are fulfilling program aims and meeting the justice needs of communities. Proximity to a community appears to be one factor affecting the frequency of visits and overall level of service received from specialists. Other factors include the demands of community justice committees and their level of activity.

4.2 Supports Provided to Community Justice Committees and Activities of Community Justice Specialists

The work of the specialists is described below under two headings: the kinds of supports that they provide to community justice committees and the types of activities that they undertake in carrying out their specialist role.

4.2.1 Supports Provided

Community justice specialists work within a community development context in their relationships with community justice committees. As noted above, CJSs take their lead from communities and play a "facilitative not directive" role. Although this approach fits within the philosophy of community development, it also allows community justice specialists to adopt their own definition of the appropriate degree of hands-on/hands-off involvement with committees. According to some respondents, this latitude works against the provision of valuable proactive supports to communities who may not know clearly just what kind of help they should be asking for from CJSs. The program would benefit from clarification of the expectations of CJS - justice committee interaction, as it would also from establishing a well-defined and understood interpretation of the community development approach and its requirements in terms of this program.

Though they are involved in a wide range of community and committee issues, a number of general types of support to community justice committees were identified by CJSs. They indicated that supports provided depend upon the specific needs of the committee/community. The supports are:

- provision of information about the justice system;
- clarification of roles and responsibilities;
- attending committee meetings;
- identifying funding sources and assisting with proposals;
- assistance with orientation of new committee members.

Community justice specialists also described a number of additional resources or supports that they feel would enable them to better meet the needs of communities. These include: administrative/secretarial support, increased funding (especially for committee training purposes) and regular meetings with other community justice specialists to exchange ideas, information and obtain mutual support. As one respondent noted, *"there is a feeling of working in isolation in the CJS position - little structure with no one to bounce ideas off"*. In addition, specialists indicated that they need to be better connected to existing referral networks to assist with social, health and educational issues such as drug and alcohol addiction, counselling needs and family support issues. Despite the fact that these activities are encompassed in the expectations of their job duties, few CJSs seem to be taking action in this regard and should be encouraged to develop relationships with existing human services supports. By doing so, the CJS can better maximize the use of these resources in an era of constraint and can assist communities/committees in securing additional resources beyond those of the Community Justice Division.

Community respondents feel that CJSs could benefit from increased communication with the Department of Justice and with other components of the justice system in order to assist communities. Community respondents also noted that CJSs would be better able to serve committees and communities if they:

- are more visible to the Crown and RCMP (to increase the number of referrals);
- provide more information to communities about community justice initiatives;
- speak the language and understand the culture of the communities they serve;
- hold regional meetings to bring community members together for justice updates;
- had appropriate credentials and relevant work experience at the time they were hired into the CJS position.

Community justice specialists and community respondents were asked about other agencies that play a role or are involved with the CJS in meeting community needs. Although these agencies vary from community to community, the RCMP, along with a range of health and social services organizations (for example, housing authorities, child and family services, social assistance) were identified. Among community-based respondents there was a unanimous response that the CJSs' relationships with outside agencies are very to somewhat helpful in addressing community needs. Specialists themselves pointed to a number of additional agencies that assist them and the committees in meeting community justice needs. Among those identified are:

- care-giving and healing organizations;
- resource people in the communities (such as traditional knowledge people);
- school teachers, alcohol and drug workers;
- First Nations to provide direction on what issues they want to address.

Respondents generally feel that these agencies should be working with the community through schools, education authorities, wellness and addiction partners and should be involved with the Community Justice Initiative to learn how they can help one another with healing, prevention and awareness. It was suggested that one role for the CJS should be to communicate with "helping agencies" to encourage their involvement in community justice. It was also suggested that a community justice newsletter be developed to improve communication about community justice activities in the Northwest Territories.

Clearly, there are many opportunities for community justice specialists to be proactive in identifying and communicating with agencies external to justice system that could assist in addressing issues related to community justice initiatives.

4.2.2 Activities

A wide range of activities are being carried out by community justice specialists. These activities vary to some extent from specialist to specialist, depending upon the demands placed on them by committees and communities. This is in keeping with the philosophy of the Community Justice Initiative. The range of activities identified by community justice specialists and by our respondents reflects the degree of respondents' familiarity with the CJS position and their own involvement with the

Community Justice Initiative program. The range of community justice specialist activities identified by specialists and others include:

- providing information to the public;
- public awareness/meetings/radio shows;
- conducting prevention workshops and other training sessions;
- acting as liaison between committees and the justice system;
- identification and securing of resources;
- facilitating and coordinating the interaction between community justice committees, coordinators, communities, the justice system and others;
- facilitating the establishment of community justice committees;
- assisting committees with activities as requested;
- seeking funding for committees;
- identification of opportunities for community justice committees and communities;
- being accessible and visible.

Some CJSs feel that they are not trainers or do not have the skills required to deliver training to others. This is clearly a shortcoming in the CJS position which requires the provision of training and other assistance to committees.

Although many respondents are not sure of the role of the CJS, a significant majority of those interviewed in this study feel that changes are needed in the community justice specialist position and its job responsibilities. Among the changes suggested are:

- strong role clarification - clear mandate for this position;
- make sure the position is held by someone who has gone thorough a healing process;
- the position should be held by someone who knows the culture and language of the people;
- enhanced training for CJSs;
- increased accountability to local elected officials;
- skills to help the CJSs help themselves and others in dealing with situations related to specific cases such as abuse, suicide, etc.;
- taking the program out of government - the CJS should work for and be accountable to the community;
- selection and training specifically for the CJS position;
- greater understanding of the unique needs of each community and how to communicate with them so that they receive the right information;
- the CJS must be visible and actively involved with the committees; they should be "animateurs";
- hiring people with community development experience who are able to communicate well at the community level;
- provision of community development training to improve their understanding of this approach;
- the ability to train committees and coordinators;
- enough checks and balances in the program to ensure that tasks are being carried out;
- increased contact with community justice committees.

The long list of CJS activities identified by respondents is indicative of the multifaceted role of justice specialists in community justice activities. While some CJSs appear to interpret their role as hands-off, driven by community demands, others see it as more hands-on, helping communities to identify justice needs, options and solutions. Given the important role CJSs play in support of community justice committees and other community justice initiatives, a more consistent interpretation is required regarding how involved the CJS should be with community activities. While no one should expect all CJSs to be involved in all communities in the same way, it is realistic to expect certain common activities such as capacity building; providing information; offering assistance with reporting and accountability; and establishing and maintaining linkages between community-based initiatives and the Department, the external justice system and other forms of support related to community justice issues.

4.3 Community Justice Specialist Training

The Community Justice Division makes funds available to CJSs for training. CJSs request approval for using these funds for training that they themselves choose. Some of this training may be through local courses, travel to conferences or provided at the Division. While all specialists feel that they need additional training, many have already participated in a range of training activities. Among the training received in the past year was (not all specialists received all training) :

- crime prevention and restorative justice;
- evaluation of community justice initiatives;
- community justice;
- women's wellness;
- family group conferencing;
- community development;
- job evaluation;
- cultural spirituality;
- high risk kids;
- self-healing;
- financial;
- computer programs.

It is not clear from the above-listed training (as described by the CJSs) just what these training sessions actually provided to CJSs who were involved or what skills they took away to apply at the community level. The amount of training reported by CJSs during the period January 1, 1998, to April 1999 varied from five days (which appears to have been orientation training for a new CJS) to 26 days by one CJS and 49 days for another. This range indicates that some CJSs may be taking greater advantage of training opportunities. However, the benefits to their communities in terms of skill development as opposed to the loss of contact time and involvement is not known.

Despite the fact that specialists have participated in a range of training opportunities, they also identified areas that they feel still need to be addressed to better enable them to help communities with their justice issues:

- what is happening in community justice in other settings, where it is going;
- roles and responsibilities of committees;
- how to conduct hearings;
- how the criminal justice system works.

Community respondents also feel that community justice specialists would benefit from training in a number of areas. These include:

- formal and alternative justice;
- committee/board development;
- how to deliver training to committees.

On-going training for CJSs is important so that they can remain up-to-date in their field and develop specific job skills that better enable them to assist communities in meeting community justice needs. Although CJSs are taking advantage of a variety of training opportunities, there does not appear to be a systematic approach to identifying training needs, demonstrating its applicability to the job and providing feedback on the training once completed.

As noted above, some CJSs feel that they are not trainers or do not have the skills required to deliver training to others. Given the importance of this type of activity in their job duties and responsibilities, enhancing CJSs' ability to train others should be considered a priority.

4.4 Conclusions

The role of the community justice specialist is crucial to the success of the overall Community Justice Initiative and needs to be maintained to:

- provide the primary link between the administration of the program and communities;
- continue the community development work that underlies the philosophy of the Community Justice Initiative;
- assist communities in achieving their community justice goals;
- establish and maintain linkages between the formal justice system, community justice initiatives and external agencies that play a supportive role in addressing justice needs and issues at the community level.

While the importance of the CJS position is acknowledged by respondents, it needs greater role clarification. Specialists require skill enhancement, a more proactive involvement with communities and increased visibility among local agencies, organizations and decision-makers.

Although a job description for the community justice position exists, it would appear that it has not been revised since 1993. The job description, particularly "Section 3 - Duties and Responsibilities", is far too complex and all encompassing to realistically expect any CJS to fulfil all of the listed duties and responsibilities. On the other hand, the broad definition of duties and responsibilities enables a good CJS to proactively meet the needs of their community-based clients. It is evident from community

respondents that there is much uncertainty about the role and responsibilities of community justice specialists. It is also clear that many respondents recognize self-motivating, self-directing traits as being highly desirable for a CJS candidate. The mixed response regarding whether community justice specialists are fulfilling the aims of the Community Justice Initiative suggests that some CJSs may not be living up to the potential of their position and that perhaps some current CJSs may not be the most suited candidates for this position.

The list of suggested changes to the CJS position and related job responsibilities indicates that a number of respondents see a need to enhance the skills of community justice specialists, to clarify their roles and responsibilities and to increase their involvement with community justice committees.

While community justice specialists provide a variety of supports to community justice committees, a number of suggestions were made about ways to improve this assistance and to involve other agencies in the community justice process. Respondents see community justice specialists as being in the best position to increase understanding and awareness of community justice issues and needs and to communicate this information to agencies in the helping and healing sector.

Recommendations

- The importance of the CJS role in supporting committees and coordinators has been emphasized by respondents. The Department of Justice should, therefore, maintain the position of Community Justice Specialist.

While specialists have established varying levels of working relationships with communities, additional benefits to the program could be obtained by reconsidering the roles and responsibilities, duties, skills, experience and reporting relationships of the specialist position.

- Undertake a review of the community justice specialist job description to clarify the role of the community justice specialist in the overall initiative:
  (a) identify relevant job duties and responsibilities and priority activities;
  (b) clarify relationships with the Department of Justice, regional or local authorities, communities and community justice committees;
  (c) determine appropriate reporting and accountability requirements to the Department of Justice, regional or local authorities, communities and community justice committees;
  (d) consider required candidate skills and relevant experience;
  (f) define the meaning of "community development" activities within CJS duties and responsibilities, especially as they relate to proactive activities at the community level.

The flow of information about community justice initiatives to community decision-makers, community members in general and to community justice committees needs to be improved. Many respondents indicated being "not sure" or "do not know" when

asked about specific aspects of the Community Justice Program. In light of this, an examination of means and opportunities for improving community justice information dissemination should be undertaken by the Community Justice Division.

It is widely recognized that social problems are responsible for many of the justice needs and issues facing communities in the Northwest Territories. It is also acknowledged that the Community Justice Initiative is limited in scope and funding and cannot be expected to address all of the underlying causes of crime at the community level. While some communities and committees have successfully developed partnerships with external supporting agencies, greater emphasis needs to be placed on finding appropriate roles and defining relationships between the community justice system and those agencies in health, social services, healing and other related sectors that could support community justice activities.

- The ability of community justice specialists to fulfil their job duties is dependant upon their skill level and experience in addressing community needs. In order to maximize the role of the CJS, the Department of Justice should establish a systematic approach for identifying training programs that will enable community justice specialists to better address the justice needs of communities and community justice committees (including 'how to' training skills, facilitation skills, motivation, record keeping, time management, work planning and effective communication).

- Overload, burnout and other job-related stresses affect the performance of community justice specialists as do issues from their own pasts that may be reopened during the course of assisting others. The Department of Justice needs to examine healing and self-help opportunities for community justice specialists who may be coping with personal and job-related issues.

- The high level of uncertainty regarding the activities of community justice specialists suggests the need to examine their reporting and accountability mechanisms. The Department of Justice should undertake a review of these requirements in order to ensure that community justice specialists are able to provide more detailed information about the tasks and activities carried out in relation to their job duties and responsibilities.

- As noted in the previous recommendation, the lack of reporting on tasks and activities of justice specialists creates uncertainty regarding their job performance and effectiveness. To facilitate more effective monitoring of CJS activities the Department of Justice should consider the development of a work plan template to assist community justice specialists in the preparation of annual work plans. These work plans should be submitted to and approved by the Community Justice Division and used by the Division to help communities understand the training needs, range of activities and level of involvement the justice specialist has in their region.

5.0 COMMUNITY JUSTICE COMMITTEES AND COORDINATORS

The following pages describe community justice committees and coordinators from a number of perspectives. The chapter begins with a review of the mandate of community justice committees and the potential range of activities which they can undertake. Having looked at the mandate and authority of community justice committees, the next sections explore the structure and membership of community justice committees, the role of committee coordinators, the training that committees and coordinators have received and the types of activities they are carrying out. Finally, the chapter addresses the relationships of community justice committees with community justice specialists, justice personnel and those organizations external to the justice system.

Currently there are 31 community justice initiatives funded by the Department of Justice, 15 of which involve active community justice committees (another 11 are described as "inactive" and five have no committee). Of these 15 committees, nine have paid coordinators and six do not. This study conducted site interviews in eight communities where the Department funds community justice projects. It should be noted that these communities are among the most active in terms of their justice initiative projects and that other community justice projects and committees appear to be in varying states of change, renewal, decline or revival.

5.1 Committee Mandate

The Department of Justice - Community Justice Division 1997 publication Your Community Justice Committee A Guide to Starting and Operating a Community Justice Committee notes:

> *"Community Justice uses the strengths of the people in the community. It allows people who know the offender and victim to work out solutions that are suited to the individual situation. Community Justice only works if community members get involved. It also needs the support of those involved in the formal justice system: the police, the judges, the Crown prosecutors, probation officers, and the Department of Justice. They all need to work together, looking for alternative ways of administering justice in the Northwest Territories."*

It also states:

> *"Many Communities have chosen to establish Community Justice Committees. These are recognized by the Department of Justice, and by the RCMP and Courts. They have the authority to deal with the cases that are referred to them, and may also advise Judges or Justices of the Peace about cases going through the court.*

> *A Community Justice Committee really gets its authority through being recognized by the community. This is usually demonstrated by a motion passed by the Municipal/Band Council. Formal appointments are made by the Minister of Justice for the Northwest Territories, under the Young Offenders Act."*

All of the reviewed background material regarding the Community Justice Initiative in the Northwest Territories makes it abundantly clear that the initiative is premised on communities deciding how to handle their own justice issues and putting in place the mechanisms to do so. The range of options available to communities in deciding how to focus their efforts on justice issues is comprehensive and maintains flexibility at the local level. The options include (among others): community justice committees dealing with diversions, community wellness and healing activities, crime prevention, family group conferencing, victim/offender mediation, community sentencing, fine options, community service orders, community custody, community supervision. Since communities define their own committees and range of justice interests, there are no clear mandate statements, goals or objectives for the many community level initiatives funded by the Department. In addition, while some communities officially recognize their committee with a Municipal or Band Council motion, the lack of a formal requirement for such endorsement is a weakness in the overall program.

5.2 Structure and Membership

According to the booklet Your Community Justice Committee - A Guide to Starting and Operating a Community Justice Committee,

> *"There is no set number of members on a Community Justice Committee. Six is a good number to start with, but it is up to each community to decide how many members their Committee should have. One of the members of the committee should be designated as the Chairperson. Normally the Chairperson would be selected by the other members of the Committee."*

Most community justice committees in the Northwest Territories consist of a handful of volunteers (in most cases fewer than 12 people), some with the assistance of a full-time coordinator and some with a part-time coordinator. Community justice specialists noted that committees try to maintain a balance among community groups and interests in selecting members and give all members equal status on the committee. In some communities members are nominated by Band Council/Municipal Council and most undergo a criminal records check (which may or may not disqualify the person if they have a record).

Two-thirds of those interviewed for this study indicated that they have concerns about the structure and membership of community justice committees as they currently exist (as with so many questions asked in this review, responses were not unique to any one particular respondent group; rather common views were shared by divergent groups). Many of these concerns involve potential conflicts of interest and bias as

communities are small and it is often difficult to find committee members who are not related to individuals involved in the cases they are hearing. Other concerns regarding committee structure and membership raised by respondents include:

- their operating context is very political with communities having First Nations, hamlet or municipal councils, Metis locals, etc., all wanting to have a say or control over justice issues;
- recruitment and replacement is difficult - are the right skills being recruited, is orientation to the role of committee member effective;
- some committee members have their own past and troubles to deal with; if these are not healed or they are still "unhealthy", how can they help others or act as role models;
- there is a lack of understanding of confidentiality and conflict of interest; more training and awareness of these issues is required;
- committees are not diverse enough - need the full representation of the community - men, women, elders, youth, Aboriginal and non-Aboriginal members;
- the pool of available skills may limit the effectiveness of committees.

As noted in a subsequent section of this report, these concerns are not unique to the Northwest Territories but also exist in many of the other jurisdictions examined (see chapter 8.0). Clearly there are significant questions regarding the composition of committees and the attributes of individuals who are members of committees. However, though few respondents spoke specifically to the issue of committee structure, when this was raised there was agreement that committee structure should be determined by the community being served.

5.3 Committee Coordinators

Committees with an adequate level of funding and whose work load is greater than volunteer members can manage usually hire a community resident as a paid coordinator to assist them. Of the 26 active and inactive community justice committees identified by this review (based on information obtained from CJSs), nine have paid coordinators. Three of these coordinators are part-time only.

The coordinators we interviewed explained the kinds of tasks that they carry out:

- recruitment of new committee members - this may require obtaining references and CPIC record checks;
- meeting with justice system and human services representatives - schools, probation, social services, RCMP, Crown, recreation and mental health were mentioned;
- attending court when held in their community;
- administering Fine Options in some communities;
- arranging and monitoring Community Service Orders in some communities;
- scheduling diversion hearings - contacting accused, victims and committee members;
- attending diversion hearings;
- arranging and attending meetings with their committee as well as recording minutes;

- keeping a record of committee members attending meetings and ensuring that the appropriate honourariums are paid;
- monitoring the outcomes of diversions and preparing reports to RCMP and letters to the court;
- preparing funding proposals.

Not every coordinator performs all of these activities but the above list exemplifies the typical responsibilities that comprise the coordinator's role.

Given the range of tasks expected of coordinators, it is not surprising that some committees have found it difficult to identify a suitably qualified person for the position. The fact that most committees' funding is only adequate for a part-time coordinator was reported to be a discouraging factor. In many communities, the most capable individuals already have employment which they are not willing to give up for a part-time salary. In a couple of cases, this difficulty has resulted in a committee hiring someone who is currently working in another justice-related capacity and who continues to act in both roles. While this person may have appropriate qualifications and brings a knowledge of the justice system to the position, there have been questions raised about potential conflict of interest if the individual is also a courtworker (as in one situation). A courtworker's primary concern is to assist accused and to appear in court on their behalf while community justice committees must address the needs of both victims and accused in an impartial manner. However, the issue of conflict of interest of such dual-employment situations was raised by only a few respondents. One justice system respondent pointed out that, though the potential for such conflict exists, this may not necessarily happen - some persons can "wear more than one hat" and be able to differentiate their respective responsibilities.

A bigger issue for most committees and coordinators is the high turnover in the position of coordinator. In one instance, there had been four coordinators in the past year. Several coordinators indicated that, despite their job being just "part-time", they are working almost full-time hours. Coordinators said that not only the hours but the nature of the work is stressful and that they often lack the necessary training or program support to enable them to perform their duties well. A number of training/support needs for coordinators were identified by a wide range of respondents:

- training: financial records/bookkeeping, other recording requirements, committee development, understanding of the Euro-Canadian justice system and the court process, computer use, using the internet, program and work planning, proposal-writing, conflict resolution;
- greater clarification of their own roles and responsibilities;
- opportunities to establish linkages and regular communication with other coordinators and committees;
- information about potential funding sources;
- information about community justice programs in other jurisdictions;
- adequate and appropriate private office space for holding diversion meetings and confidential discussions with clients;

- dependable and ready access to computer, phone, fax.

The following table outlines those communities that have justice committees, whether they have a paid coordinator, their annual funding allocation and the number of diversions reported by the RCMP. Our information regarding committees and coordinators relies largely on CJS accounts (we revised some data based on our interviews with coordinators). The funding information was provided by the Community Justice Division and the diversion statistics have been compiled by RCMP detachments in each community, although these figures are recognized as being very unreliable.

The table suggests some conclusions regarding the role of the coordinators. There tend to be higher numbers of reported diversions for those committees with coordinators as opposed to those without coordinators (some small communities without coordinators have no local RCMP detachment). Four of the five communities listed here that are receiving matched federal funding have paid coordinators. Most committees that have coordinators are concentrated in the Beaufort and Sahtu Regions.

DIVERSION WORKLOAD AND FUNDING OF COMMITTEES WITH AND WITHOUT COORDINATORS

COMMITTEE LOCATION	COORDINATOR	1998/99 FUNDING ALLOCATION	NUMBER OF DIVERSIONS 1998
<u>Beaufort Delta</u>			
Inuvik	Y - FT	$38,000 (+ AJD $)	18
Fort McPherson	Y - FT	$18,000 (+AJD $)	13
Paulatuk	N	$10,500	3
Tuktoyaktuk	Y - PT	$18,000	35
Sachs Harbour	N	$8,000	0
Tsiigehtchic	N	$8,000	0
<u>Sahtu</u>			
Deline	Y - FT	$15,500 (+ AJD $)	46
Fort Good Hope	Y - PT	$18,000 (+AJD $)	20
Tulita	Y - PT	$13,000	21
Norman Wells	N	$15,500	0
<u>North Slave</u>			
John Howard Society, YK	Y - FT	$73,000	2
Yellowknives Dene	N	$10,500	0

DIVERSION WORKLOAD AND FUNDING OF COMMITTEES WITH AND WITHOUT COORDINATORS			
COMMITTEE LOCATION	COORDINATOR	1998/99 FUNDING ALLOCATION	NUMBER OF DIVERSIONS 1998
Rae Edzo	N	30,500	0
Wha Ti	N	$13,000	7
South Slave			
Fort Resolution	N	$15,500	4
Fort Smith	N	$38,000	2
Hay River	N	$38,000	8
Hay River Reserve	N	$10,500	0
Kakisa	N	$8,000	1
Lutselk'e	N	$10,500	6
Deh Cho			
Fort Liard	N	$13,000	0
Jean Marie River	N	$8,000	0
Trout Lake	N	$8,000	0
Nahanni Butte	N	$8,000	0
Fort Simpson	Y - FT	$25,500	9
Wrigley	Y - FT	$25,000 (+ AJD $)	0

5.4 Training for Committee Members and Coordinators

The level of training currently held by committee members/coordinators and the need for additional training was one of the most often discussed topics among the diverse respondents interviewed during this study. Although two-thirds of committee members/coordinators indicated that they had received some specific training for their work with the committee, most feel that additional training is required. Among the types of training already provided to committee members are:

- how to be a committee member - orientation for new members (most had received this training);
- the legal system and community justice - roles of judges, lawyers, the court process and diversion (most had received this training);
- family group conferencing;
- healing meetings;
- review of community justice protocols;
- team building and interagency development;
- the concept of circle sentencing.

According to some committee member/coordinator respondents, CJSs had been involved in the delivery of orientation and training sessions, focused primarily on law and criminal code issues, as well as in providing training on administration and organizational skills. One problem identified with the training received by committee members is the lack of follow-up to see that new skills are being applied and properly put to use.

The list of reported training needs for community justice committee members/coordinators is extensive. Most respondents generally feel that committee members need additional training because members' life/work experience has not necessarily prepared them for their role on a community justice committee. In addition, many committee members have not been exposed to new concepts of restorative justice and they themselves feel a need for training on the principles and approaches in support of these concepts.

The training needs of community justice committee members as identified by non-community respondents are:

- the role of community justice committees and their members;
- how to conduct a hearing, what is justice work, how does the justice system work, what is the criminal code, how to sit with judges and offer sentencing advice;
- concepts of traditional justice;
- how to work with youth:
- healing - what it is and how to help in this process;
- conflict resolution;
- anger management;
- how to write proposals;
- record keeping, financial and information management;
- computer use, how to use the Internet;
- planning, evaluation and monitoring;
- team building.

One respondent suggested that the training needs of community justice committee members should be identified at the time they are recruited in order to plan training programs for these. It was also suggested that committee members who have received training be encouraged to share their training and information with other members to build on one another's skills.

Community justice committees play a critical role in fulfilling the aims of the Community Justice Initiative. In order for these structures to work most effectively, they must comprise well-skilled and informed individuals. Committee members, therefore, require adequate training in the basic skills required for their role as well as on-going training and information about new concepts and approaches to community justice. While committee training has significant budget implications for the Community Justice Program, the long-term skills gain and effectiveness of committees will be greatly enhanced by such expenditures.

5.5 Activities Carried Out

Community justice committees undertake a range of justice activities though these vary from committee to committee. The Community Justice Program, as outlined in the booklet Your Community Justice Committee - A Guide to Starting and Operating a Community Justice Committee, is structured to encourage and permit communities and committees to define the range of justice approaches and activities that they wish to engage in to meet community needs.

Respondents in this study identified the following types of activities of community justice committees (it should be noted that in many cases a specific committee may only be conducting one or two of these activities, as most committees are currently focused on diversions):

- alternative measures for youth and adults;
- sit with Territorial Court and provide sentencing advice;
- education and information to the public;
- provide information to elders and youth to draw them into the process;
- political activity in terms of corrections - lobby for the types of correctional facilities they need in their communities;
- advocate for change in the court system - the system that is in place now is partly a reflection of the push on the part of committees;
- conduct community justice meetings;
- hold information forums for the public;
- full range of involvement with the community - youth and adults;
- community defined whatever it is that the community wants them to do;
- handling diversions according to the federal/RCMP guidelines - pre-charge from RCMP, post-charge from the courts, passing sentences;
- monthly business meetings and meetings with clients;
- providing information to the courts;
- diversions - sending youth to bush camps;
- starting to get more into prevention.

There was a mixed response across all respondent groups regarding whether these activities of community justice committees are adequately addressing justice needs and issues at the local level. Those who feel satisfied that committees are addressing needs stated that the program has demonstrated success at the community level (e.g., people listening to the elders, following through with their sentencing, not re-offending, changing their lives, reduced number of cases). Some feel, however, that issues of committee credibility, lack of reporting and accountability or family and political intervention overshadow the ability of committees to truly address needs. Yet other respondents said that most committees are still in a developmental stage and it may be too early to determine whether community needs and issues are really being addressed.

As listed below, respondents pointed to a number of specific factors or influences that cause difficulties for committees in their work in communities:

- family and political ties - makes it hard to be impartial;

- power structure in the community;
- committee members who are not healed themselves - credibility of committee members;
- not being visible enough to combat the perception of family bias;
- language barriers - terminology of the justice system;
- lack of community support for the decisions of the committee;
- not having the right people/skills on the committee;
- funding limitations, especially for training;
- weak committee chairpersons;
- inadequate funding to pay people for their work;
- need for a part-time person to work with the committee - support role;
- fear of retribution from the community;
- questions about RCMP commitment - whether they really believe in the program.

Given the diverse kinds of activities in which community justice committees are engaged, respondents were asked to identify what they felt should be priorities for committees. Their suggestions include a wide range of responses as follows:

- earlier intervention;
- letting the person who has committed a crime know that the committee cares about them, is hurt by what they have done to the community;
- committee must become healing-based - this is a cultural bias, it is the way we understand traditional justice;
- working with the people in the community, more community involvement, working a bit too much in isolation now;
- determine why the person got into trouble in the first place, then deal with the cause of the problem;
- getting elders back on the committees and use the traditional lodge;
- dealing with their own problems as individuals - need positive role models for credibility;
- having community representation;
- doing more advocacy, supervision of offenders;
- identifying gaps in community services and how to address them;
- initiating proposals for funding for community services and help to develop them;
- working with diverted clients;
- working with parents and families - this is where most of the problems start;
- following-up with clients, even after they have fulfilled their sentence;
- working more closely with interagency groups for support and resources;
- developing a community justice manual - this would outline how the community sets its policies and principles of functioning;
- looking more carefully at ways of including victims to provide a better understanding to the committee of how the victim feels.

A number of respondents (including community and organizational-based respondents) also noted that all committees are different and that the committees should be setting their own priorities.

As the above list of respondent-identified priorities demonstrates, a number of individuals (who tended to be government or RCMP respondents) think that committees could be doing more, or at least could expand their current efforts, to better address community justice needs and issues. While respondents acknowledged limitations of time, resources, funding, skills and the need for the committees themselves to make this decision, most also feel that committees are able to take on more activities/responsibilities than they are currently managing. Among the additional activities/responsibilities identified are:

- there could be a role in the formal justice system where the CJC meets with the accused or someone who has pled and is waiting for sentencing - might be a supportive role for them to play with these cases;
- there is an issue with federal inmates who have nowhere to go when they get out - as there is no parole system in the communities they end up in Yellowknife where the RCMP plays this role; maybe the CJC could be of assistance in some of these cases - assist Community Corrections with probation activities - programs being developed;
- all committees are at different levels; they have to determine their own needs and build from a traditional base - stick to their community justice mandate;
- identify justice needs of communities and find programs to meet these needs;
- be the voice of the community in the formal justice system, provide advice, deal with victims, counselling, setting of conditions (within the framework of probation);
- potential for greater variety; committee has become very advanced in the past four years and is willing to take on more serious cases;
- activities such as supervision of offenders, post-release care - but they do not have the resources for these activities now;
- could take on much more than they are now handling, but they would need staff to support them, like coordinator and support staff;
- do additional work, even in communities with little crime, participate in prevention programs in schools, drug and alcohol awareness, self-esteem, culture and tradition;
- work more on crime prevention, not just after the fact.

The respondents who feel that committees could not undertake additional activities (usually community-based respondents and those who work closely with committees) generally stated that committees are already handling as much as they can with the available resources. These respondents made comments such as:

- they are busy enough with what they are handling - very time consuming as it is;
- not with current level of funding, staff and support;
- do not have enough people or resources to handle more cases, very stressful for members.

Depending upon the community in which they operate, and the degree to which they have matured, community justice committees engage in a number of justice-related activities. While the above list of activities appears extensive, it is important to note that most committees are focused on handling diversions and few are engaged in more

than one or two other activities (such as fine options or prevention programs). It is clear that some respondents feel that committees are addressing community justice needs, while others feel that they are not. It is also clear that a number of factors do, or are perceived to, hamper community justice committees in their activities. The realities of small communities where many people are related, local power structures and weaknesses in committee membership are not unique to the Northwest Territories and, while these do constrain communities, they exist as challenges to all community justice initiatives (see chapter 8.0). As is fitting for a program based on communities defining their justice interests, most respondents endorse the concept of communities setting priorities for their own activities. There are distinctly differing views between respondents who feel that committees are able to take on more than they currently handle and those who feel that they are already busy enough within the limitations of committee members' time, support services and coordination available to them. What is obvious is that busier committees do require the support of coordinators and that additional activities would therefore have implications for the level of funding committees receive.

5.6 Relationship with Community Justice Specialists

A community justice specialist is available to each community justice committee in a resource capacity. As noted in chapter 3.0, this position as envisaged is *"to encourage the growth of interest and capacity for resolving problems at the community level. They make sure that a full range of options is laid before the community. The role is a facilitative not a directive one. The specialists take their lead from the communities and attempt to respond to the needs which have been identified by the communities"*. Given these parameters for the work of the CJSs, one would expect that the relationship between the community justice specialist and the community justice committee is crucial to the success of community justice initiatives.

Most community-based respondents indicated that they have fairly regular contact with their justice specialist but that the frequency and nature of the contact depends upon the types of issues being addressed by community justice committees. It is evident that larger communities and more active committees have the most frequent contact with CJSs and that proximity to the location of the justice specialist is also a factor influencing the frequency of contact. Many respondents noted that most often contact was by telephone and fax. All communities reported some face-to-face contact with their justice specialist, some very frequently, some monthly and others just a couple of times per year. Clearly some groups are not getting as much contact as they would like.

Communication between justice specialists and committees flows both ways with either party initiating it depending upon their needs. Many communities said that they contact the CJS for information, assistance with planning and budgets, clarification of legalities and to explain roles and responsibilities.

Community respondents were asked to rate the helpfulness of the CJS (either to themselves or to their committee) as very helpful, somewhat helpful, or not helpful.

Overall most respondents regarded the CJS to be somewhat helpful (although specific cases found them to be very helpful and others not helpful). When asked why they answered as they did, most respondents appeared reluctant to be critical and offered suggestions such as: CJSs do not respond fast enough; there are limitations on what the CJS is able to do; they are doing all they can. Other community respondents, however, stated that they do not see the specialist working in their community, that they do not receive enough service from the CJS or that, due to infrequent visits, the CJS position does not produce any tangible advantages for their community justice initiative.

5.7 Relationships with Justice Personnel

Most community justice committees appear to have relationships with personnel in the existing justice system. These relationships may be with any one or all of the following:

- members of the Territorial court party;
- judges;
- the federal Aboriginal Justice Directorate;
- the Corrections Division of the GNWT Department of Justice;
- RCMP.

Where these relationships exist, community respondents generally find them to be helpful in their justice work.

One of the most important relationships in the Community Justice Program is between the RCMP and community justice communities regarding diversions. The RCMP are the "gatekeepers" of diversion in that they decide which cases will be diverted to committees. When a committee is first established, the program requires that members sign a standard protocol for diversions which spells out the roles of RCMP, Crown and committees as well as the criteria for eligible cases. The signed protocol is forwarded to the Community Justice Division for its signature and then circulated to the RCMP Superintendent and the office of the Crown (Justice Canada) for their signatures. Signed copies are returned to the committee and to the local RCMP Detachment.

Since the protocol is standard across the Territories, it is not clear whether there is a requirement for the committee and the local RCMP to establish relations and develop a mutual understanding of the diversion process prior to acceptance of the protocol. There appear, however, to be differences in interpretation of the criteria for diversion among RCMP detachments. Some RCMP cited a written 'policy' (without making reference specifically to the "protocol") which they have been given by headquarters (although different 'policies' were shown to us) as the one that they must follow but others regarded the received policy only as 'guidelines' to which discretion could be applied.

The RCMP respondents in community detachments were asked to identify the criteria they use when diverting a case to a community justice committee. Among them,

these respondents described a total of five criteria. However, no one respondent gave all five. Those identified are:

1. The accused does not have a previous criminal record or history of crime (mentioned by 8 RCMP respondents);
2. The accused will take responsibility for the offence and be willing to comply with the committee (mentioned by 9 RCMP respondents);
3. The nature and severity of the crime: violent crime, sexual offences, domestic violence, bootlegging and narcotic-related offences are not diverted (mentioned by 12 RCMP respondents);
4. The committee must be able to meet the needs of the victim and the community (mentioned by 3 RCMP respondents);
5. The committee is capable of fairly hearing the accused: not related or involved in the crime (mentioned by 2 RCMP respondents).

Given that most diversions come from the RCMP, the volume of cases handled by a committee is dependent upon the interpretation and application of the diversion criteria by the RCMP.

In a number of cases, neither committees nor RCMP officers indicated that they are aware of the protocol. This may be due to the high turnover of committee members, coordinators and RCMP personnel in communities. It is likely that the initial protocol is "filed" and subsequently overlooked as these individuals change. With this turnover in personnel relationships become disrupted. New committee members and coordinators almost have to start at the beginning and not all RCMP officers demonstrate the same degree of interest in diverting cases to community committees, especially if they have not been contacted by the committee or have observed that committees are unstable. Community justice specialists can play an important role in facilitating this relationship. Most RCMP officers indicated support for the program and have been involved with committees in the communities to which they have been posted. Half of the interviewed RCMP have diverted cases to the committees and one-third have attended committee hearings or meetings. A number have provided training and information about the justice system and some have assisted with the development of a justice committee in the community.

Half of those officers interviewed see the existing committees as being effective. Others doubted committees' effectiveness for a number of reasons:

- the committee being "backlogged" with diversions;
- effectiveness depends upon only one or two committee members;
- diversion is seen by the community simply as a way out of court and the committee is not providing adequate monitoring to ensure compliance with their conditions;
- the community does not support the committee;
- the committee lacks understanding of legal issues and of the purpose of community justice;
- the committee is not accountable to victims, the RCMP or the CJS;

- power relations in the community mean that some individuals receive preferential treatment.

Slightly more RCMP respondents feel that they are not receiving from committees the information that they need than those who described their communication with committees as being "open and honest". Just over half of this latter group reported that they are informed by committees of the diverted individual's progress in meeting the committee's requirements. Information needs identified by RCMP overall are for:

- progress reports of diverted persons;
- information about the customs and traditions of the community;
- background information about persons involved in RCMP investigations.

The RCMP is currently undertaking a territory-wide initiative to train its personnel in family group conferencing and to encourage local officers to lead the development of this initiative in their communities. This may involve a proactive approach on the part of RCMP detachments to develop committees that can participate in family group conferencing. It will also present existing justice committees with the opportunity to take on another activity. This initiative is being discussed with the Department of Justice in the hope of developing a partnership at the "headquarters" level. The possibility of being trained to carry out family group conferences will be appealing to committees and will address some of the expressed needs of communities. However, this will also place more demands on existing committees and could shift the focus of both existing and new committees to carrying out a single program which is not community-determined. This will be counter to the philosophy of the Community Justice Initiative although family group conferencing would be a valuable adjunct to it. The Department of Justice should carefully consider how this RCMP initiative will fit with the aims of its own Community Justice Program and with the capacity of communities to carry it out.

Justice Canada Crown Attorneys who provide prosecution services in the Northwest Territories have some involvement with local committees, though little direct relationship with them as almost all diversions are pre-charge. Crown involvement is largely occasional and only at a very general level, not with respect to specific matters. Some coordinators/committee members attend court when it is held and thus have the opportunity to meet and talk with the Crown Attorney. Crowns see some committees as being effective and "doing a great job" - matters are resolved faster without going to court. However, they also expressed concerns regarding the extent to which victims' needs, especially those of female victims, are being addressed by committees and whether committee membership is representative of all sectors of the community. There is the perception that relatives of the accused are in a situation of conflict of interest when dealing with diversions and that family power structures in communities may undermine the ability of committees to deal with all cases in an impartial and equal manner.

Crowns support the aims of the Community Justice Program, though, and feel that they could be more involved though providing education about the criminal justice system as well as information, assistance and support to committees. The Crown

Attorneys would like to receive more information about the program (i.e., the role and duties of the community justice specialists, guidelines for committees, a list of current committees and specialists) and be notified about community justice conferences. They emphasized that communication between the Crown and the program needs to be improved, perhaps through scheduling regular meetings with Division management and with the specialists.

Committee members/coordinators and other respondents involved with community justice committees put a similar emphasis on communication needs when asked whether there are any types of assistance or supports that they have not been able to obtain:

- access to networks with other justice coordinators, committees and specialists;
- ensuring that the Crown is aware of the diversion process;
- opportunities to talk to other justice and related agencies, to participate in joint programs;
- information on the outcomes of diversions.

The creation of a stand-alone probation service within the Corrections Division of the Department of Justice will present additional opportunities to CJSs and committees. It will be important for both to establish relationships with probation officers in the field from the outset. Probation officers, in their role of supervising offenders who are residing in their community, may seek assistance from committees in supporting offenders and finding ways to help address offenders' needs in order to reduce breaches of probation and, ultimately, re-offending. Many committee respondents indicated the importance they place on crime prevention and involvement with the probation service will offer one way of meeting this objective. Probation officers will be able to educate committees and specialists about the court system and the functions of probation. Committees, coordinators and CJSs may also benefit from participation in training opportunities that may be provided by the Division of Corrections to its probation personnel. Clearly, the development and operation of the probation service by the Department of Justice will present the Community Justice Program with advantages in terms of enhanced training for CJSs and committees and the integration of services at the community level. Optimizing these advantages will require mutual planning between the Divisions of Corrections and Community Justice at the Departmental level for effective coordination of these activities and the most efficient use of Departmental resources.

5.8 Relationships with External Organizations

Few community justice committees maintain formal relationships with organizations external to the justice system. Most relationships appear to be informal at this time and are based on trying to find areas of commonality for mutual assistance. Community and organizational respondents acknowledged a need for greater involvement and improved linkages between community justice initiatives and external organizations as a way of enhancing the ability of communities to address justice needs. However, with a couple of exceptions, most justice initiative projects are not connected to external networks of supporting organizations. Respondents from the

social services sector feel that, ideally, community-based justice initiatives and service agencies should work together to close gaps in the system, to better address community issues and needs and to more effectively help individuals with healing, restoration of self-esteem and personal growth.

In some communities service networks have formed, or are forming, and are involved with broad social issues including community justice. At this time, however, these appear to be few in number and their effectiveness is not known. In other places, community justice committees, through their coordinators and individual group members, have already established relations with community programs and services. Among the organizations involved with community justice initiatives at this time are:

- schools and education authorities;
- social services and income support;
- health councils;
- alcohol, drug and substance abuse centres;
- community programs such as Brighter Futures;
- mental health organizations;
- hamlet and municipal offices;
- elders' groups.

Cooperative relationships with human services organizations hold considerable potential for community justice committees looking to expand their activities and services to their clients. While networks of service agencies have been established in a limited number of communities (and many of these are rudimentary), such networks do provide opportunities to maximize resources and develop collective approaches to social issues which all too often result in crime.

5.9 Conclusions

Community justice committees and coordinators are the central actors in the Community Justice Initiative of the Northwest Territories. As such it is appropriate that these bodies are self-defining within the parameters of the community justice philosophy on which the program is premised. It would appear, however, that many parties would benefit from greater clarity regarding the roles and responsibilities, structure, activities and accountability relationships of community justice committees.

In order to be most effective in addressing community justice issues and needs, community justice committees must comprise the very best possible candidates. Recognizing that the life skills, education levels and experience of many community residents has not adequately prepared them for community justice roles underscores their need for training. Coordinators and committees themselves should identify their training requirements and present their priorities to ensure the presence of appropriate skills among their community justice decision-makers.

While community justice committees engage in a variety of justice-related actions, no community appears to be undertaking a comprehensive range of education, prevention, justice delivery and aftercare activities. There are still essential

developmental steps to be taken by communities: developing community justice committees where they do not exist, expanding the knowledge of committee members, and undertaking a greater range of restorative justice approaches at the community level.

Relationships between community justice committees/coordinators and justice specialists are not always clearly understood at the community level. While there is a general feeling among committee and community respondents that specialist services are somewhat helpful to committees, given the important linkage role of the CJSs between the Division and committees, one would hope for an improvement in the extent to which they are seen to be helpful. Since CJSs are the primary conduit between government, communities/committees and the justice system, every opportunity to maximize relations between justice specialists and community level justice initiatives should be examined.

Similarly, in a resource-constrained environment, relationships, partnerships, networking and sharing of information and assistance needs to be encouraged among agencies/organizations within communities, at the regional level and with social service networks external to the justice system.

Communication between committees and key justice system agents, especially the RCMP, Crowns and the new probation service, needs to be strengthened so that all parties can work together to advance community justice. Both the community justice specialists and senior Department management can play an important role in facilitating relations between the program, the Division of Corrections and the justice system at the community, regional and Territorial levels.

Recommendations

- Community justice committees in conjunction with Contribution Agreement Signatory agencies or local authorities should be encouraged to undertake the preparation of a mandate statement to clarify their purpose, aims, goals and objectives.

- The Department of Justice should assist in the above recommendation through the preparation of a generic template to facilitate communities in the development of a mandate statement.

- Community justice committees should be encouraged to customize the "Program Manual" to reflect their activities and interests and to function as a policy and procedures manual for committees.

- Community justice committees and coordinators should be encouraged to identify criteria for committee member participation. Criteria should be designed to address the issues of candidate selection, conflict of interest and bias, prerequisite skills and/or experience.

- Community justice committees should be encouraged to develop an orientation package for the recruitment and orientation of new committee members/coordinators.

- The Department of Justice should assist in the above recommendation through the preparation of a generic package to facilitate communities in developing a suitable document of their own.

- Community justice committees should be encouraged to undertake a training needs assessment of their membership to facilitate the development of training plans for the committees. Committees should be also encouraged to develop training priorities over both the short and medium term.

- The Division and Department must examine the budgetary implications of increased training fund requests from community justice committees.

- Community justice committees should be encouraged to explore ways of increasing their profile with their community and with the justice system as a whole.

- As the demands on community justice committees continue to grow, committees should be encouraged to identify priorities for their activities, and those of coordinators.

- Community justice committees should be required to maintain accurate records documenting their activities. The Department of Justice could assist in this process through the preparation of reporting formats that clearly identify its data and informational requirements. The Department of Justice could also assist by providing or funding training for committees on record keeping.

- Given the important role that community justice specialists play as Departmental employees in their relationships with community justice committees, linkages between specialists and committees need to operate at an optimal level. Community justice specialists should be required to fully account for the frequency, types and outcomes of contact with committees. The Department of Justice should examine ways of enhancing communications and working relations between these two critical components of community justice.

- Community justice specialists should be instructed to facilitate the formation of networks and linkages between community justice committees, coordinators and other community level justice players and organizations with agencies external to the justice sector. These networks and linkages could take the form of information exchanges, agency role and service clarification, supportive assistance (such as referral networks), interagency councils/committees.

- Community justice committees should be encouraged to establish regular communication with their local RCMP detachment regarding the interpretation and application of diversion criteria. Community justice specialists should periodically

meet with both the RCMP and committees to review the protocols and determine whether these are working to the satisfaction of all parties.

- The Community Justice Division and the Division of Corrections, with the development of a stand-alone probation service, should mutually assess the opportunities for integrated training of probation officers, CJSs, committee members and coordinators.

- The Community Justice Division and the Division of Corrections should emphasize to CJSs, committees, coordinators and probation officers the importance of establishing contact to determine whether there are ways in which they might work in common to prevent and reduce crime.

- Senior Department of Justice management should take on a more active role in communicating with RCMP management and Crown Attorneys to make them more aware of the operation of the program and the ways in which these important justice system actors can support it.

6.0 FUNDING AND ACCOUNTABILITY

This chapter provides a brief description of the funding process, reporting requirements and accountability structure of the Community Justice Program. The key problems as experienced by communities and the issues raised by Department respondents are discussed in terms of their implications for effective program delivery.

6.1 Funding Process and Reporting Requirements

The Community Justice Initiative has established an annual funding level for the 31 communities in the Northwest Territories. These levels are based on community size with a floor of $8000 for small communities of 200 or less population. In 1998/99 a total of $557,500 was allocated for Western Arctic communities, ranging from $8000 for five communities to $73,000 for Yellowknife. In that fiscal year, $547,000 was disbursed, of which $57,500 was provided to six communities/committees for the operation of fine options or community service order programs (at this point it is not yet known whether communities were able to use all of these moneys). In addition, approximately $400,000 was used for CJS salaries, travel and program expenses (not including administrative costs incurred by headquarters). In 1999/00, there is an enrichment of $146,200 for Western Arctic communities to enable them to hire coordinators and increase the honorariums to committee members.

The annual funding is provided in two payments, one at the beginning of the fiscal year (April) and the second at the six-month mark, i.e., October. Moneys can only be provided to corporate entities with appropriate liability provisions. In most cases this is the hamlet or First Nation although some committees and eligible programs are sponsored by local non-profit agencies (e.g., the Yellowknife John Howard Society, the Tulita Wellness Agency, Friendship Centres in Fort Smith and Fort Simpson) and a few committees have established themselves as chartered societies (e.g., Inuvik, Tuktoyaktuk).

In March or April, the Division sends letters notifying the sponsoring First Nation/ organization of the funding available, asking them to sign the accompanying contribution agreements and to return the signed agreements to the Division if they wish to receive the funds. At the same time, the CJSs are provided with copies of the unsigned contribution agreements for the communities in their region. Based on previous experience, it may be up to four weeks before a signed agreement is received in Yellowknife. These agreements are checked by the Division support staff then sent to the Assistant Deputy Minister for initialling. Following this, they are directed to the Manager of Finance who also checks them. The Deputy Minister subsequently signs the agreements and returns them to Finance where the required signatures are confirmed. A copy is made for Headquarters then the two originals are forwarded to the CJS who keeps one on file and sends the other to the community. The signature process takes approximately one week and the community usually receives its signed original within two weeks after that. Upon obtaining the signed agreement the CJS completes a cheque requisition which is processed through the Department's Financial

Implementation System [FIS] for payment directly to the community sponsor, taking up to another ten days.

Therefore, while communities are "fronted" half of their annual allocation, the entire process, from sending the agreements out to receipt of the cheque, may require up to two months although it has been accomplished in as little as two weeks. Part of this time lapse is dependent upon the community returning the signed agreement; part is related to the Department's internal process; and part is contingent on the response of the CJSs.

The second instalment to communities is sent in October. To qualify for these remaining funds, a mid-year report is required describing the community's activities and how the initial payment was spent. This report is sent directly to the CJS who reviews it and then to the Community Justice Division where it is checked to determine that the first payment has been used appropriately. The Division Director then gives the Department's Finance Division approval for releasing the funds and a cheque is sent directly to the community. In many cases the six-month report is not received at the Community Justice Division by October but some time after that. Even so, a second instalment cheque may be sent in January or February.

The point at which communities receive their second payment is related to their ability to provide the required report to the CJS by October, the CJS's ability to review and forward their recommendation for payment to the Community Justice Division and the time required by the Division to review the reports and by Finance to release the cheque.

At the end of the fiscal year, an unaudited statement of revenue and expenditures as well as a program report is expected from communities. An audited statement is required for amounts exceeding $50,000 (the John Howard Society in Yellowknife is the only organization that receives funds over this threshold). The practice has been, however, to send new contribution agreements to communities even when 'year-end' reports have not been received.

This funding process complies with the established Department of Justice procedure for contribution agreements for all of its programs. It builds in "checks and balances" that safeguard the obligation for accountability for public funds. However, there are some points at which the process could be streamlined. Earlier sending of the contribution agreements and systematic follow-up by the CJSs could result in return of signed agreements within a shorter period. The requirement of signature at the Deputy Minister level needs to be examined. Twenty-five of the 36 contribution agreements sent to communities and projects in 1998/99 were for amounts of $15,500 or less (18 were, in fact, for $10,500 or less - the 1998/99 funding allocations are outlined on the following table.). Yet every agreement, including that for the community receiving $73,000, proceeds through the same system requirements before funds can be provided to the community.

FUNDING ALLOCATED AND PROVIDED TO COMMUNITIES 1998/99			
COMMUNITY	**GNWT DoJ**	**CAN - AJD**	**COMMENTS**
Beaufort Delta			
Aklavik Aboriginal Committee	$18,000		$8,000 not paid - no committee
Inuvik Justice Committee	$28,000 base $10,000 FO/CSO	$38,000	
Tetlit Gwich'in Band Council Fort McPherson	$18,000 base $10,000 reallocation	$18,000	
Hamlet of Paulatuk	$10,500		2nd instalment of $5,250 not paid - level of activity did not require it; committee but no coordinator
Hamlet of Sachs Harbour	$8,000		$8,000 not paid - no signed agreement; inactive committee
Tsiigehtchic Charter Community	$8,000		$8,000 not paid - no signed agreement; inactive committee
Akulliiq Justice Committee Tuktoyaktuk	$18,000 base $10,000 reallocation		
Deh Cho			
Pedzeh Ki Dene Band Wrigley	$25,000	$25,000	
Deh Cho Society Friendship Centre Fort Simpson	$23,000 base $2,500 FO/CSO		
Elets'ats'eni Society Fort Liard	$13,000		2nd instalment of $6,500 not paid - inactive committee
Jean Marie First Nation	$8,000		2nd instalment of $4,000 not paid - inactive committee
Nahanni Butte Dene Band	$8,000		
Sambaa K'e Dene Band Trout Lake	$8,000		

FUNDING ALLOCATED AND PROVIDED TO COMMUNITIES 1998/99			
COMMUNITY	**GNWT DoJ**	**CAN - AJD**	**COMMENTS**
North Slave			
John Howard Society Yellowknife	$53,000 base $20,000 FO/CSO		
Yellowknives Dene First Nation	$10,500	$10,500	
Wha Ti First Nation	$13,000		
Dogrib Rae Band Rae Edzo	$25,500 base $5,000 FO/CSO		
Gameti First Nation Rae Lakes	$10,500		no committee
Dechi Loat'I First Nation Snare Lake	$8,000		no committee
South Slave			
Dah Gah Gotie Band Fort Providence	$15,500		no committee
Deninoo Kue First Nation Fort Resolution	$15,500		
Uncle Gabe's Friendship Centre Fort Smith	$28,000 base $10,000 FO/CSO		
Hay River Youth Justice Committee	$28,000 base $10,000 FO/CSO		
Hay River Dene Band	$10,500		
Kaagee Tu First Nation Kakisa	$8,000		
Lutselk'e Dene Band	$10,500		
Sahtu			
K'Asho Golt'ine Charter Community Fort Good Hope	$18,000 base $10,000 reallocation	$18,000	
Deline Band Council	$15,500 base $5,000 reallocation	$24,200	
Tulita Wellness Agency	$13,000 base $10,000 rallocation		

FUNDING ALLOCATED AND PROVIDED TO COMMUNITIES 1998/99			
COMMUNITY	GNWT DoJ	CAN - AJD	COMMENTS
Town of Norman Wells	$15,500		2nd instalment of $7,750 not paid - inactive committee
Behdzi Ahda First Nation Colville Lake	$8,000		$8,000 not paid - no committee

The program has been concerned that funds have either not been taken, even though available (i.e., a signed agreement is not returned), or that the six-month reports have been received very late or not at all. The Division will send moneys even in January or February if a report is returned. However, when no accounting is received, the Division often does not know that this will be the case until too late in the fiscal year to reallocate this money for the benefit of another community. Unused funds within any given year are lost to the program and are returned to General Revenue.

In 1997/98, $558,975 was paid out to communities and $430,198, or 77 per cent, was accounted for by communities as having been spent. Most of the unaccounted moneys were paid out to the Beaufort Delta and Sahtu Region communities. For the last fiscal year, i.e., 1998/99, $557,500 was designated for communities of which $55,500 was not sent. Five communities indicated that they could not use some of their allocation either because they had no committee in place or their level of activity did not warrant it. Another three communities did not have Department sign-off of the agreements. Four communities that did not take up their allocated funding are in the Beaufort Delta Region, two are in the Sahtu and two in the Deh Cho. Of the $55,500 not disbursed, $45,000 was reallocated to five communities in the Beaufort Delta and Sahtu Regions who identified additional funding needs. As the 1998/99 fiscal year's final accounts are not yet complete, the amounts actually spent by communities are not yet available.

Communities are required to return unspent funds to the Community Justice Division at the end of the government fiscal year and some do so. There are a number, though, for whom accounts are outstanding as far back as 1994. At this point, the Division is making a concerted effort to clear these up and reconcile all program payments with community expenditures. In the past, new contribution agreements have been sent to communities/organizations despite failure to provide a full accounting for the previous year.

Not only did Community Justice Division and Department of Justice management raise concerns about the funding process, community respondents, committee chairs and coordinators also expressed some criticisms:

- the cheques are too slow in coming; this disrupts cash flow (including the coordinator's salary) and the ability to plan;

- the reporting requirements are unclear and there has been difficulty in getting the necessary answers and assistance from the CJS.

According to CJSs, the reasons for these difficulties are:

- The agreements are sometimes not signed by the sponsoring organization because they do not fully understand the documents and so just leave them.
- Small communities may have one individual handling many contribution agreements. If there is turnover in band administrators, the result can be that the community justice contribution agreement gets "lost in the shuffle".
- Once signed, agreements are processed too slowly in Yellowknife. It may be a month before the CJS receives the agreement in order to make a cheque requisition. Since it takes time to process the cheque, the committees are left with nothing and don't understand why.

One coordinator explained that a problem resulted from the fact that there had been a turnover in coordinators with the "paper work" left unfinished. This was the first task facing the new coordinator. The high turnover of coordinators often means that salary dollars cannot be used and that committees are not meeting, hence honourariums are not being paid. Because diversions are the main focus of many committees, their work depends upon the extent to which local RCMP are willing to divert cases. The dilemma for the RCMP is that they are not eager to send cases to a committee which is not active and able to deal with them.

None of the coordinators interviewed reported any difficulties due to their sponsoring organization not notifying them, or the coordinator not asking, about moneys having been received. Since some coordinators are located in the same building as the sponsor, there is the opportunity for regular communication.

Some communities are receiving funding from other sources, the most important one being the Department of Justice Canada Aboriginal Justice Directorate which will match the territorial funding. The federal Aboriginal Justice Strategy is a five-year initiative (1996-2001) which provides cost-shared funds for diversion or alternative measures; community sentencing circles and peacemaking; mediation and arbitration in family and civil cases; and Justice of the Peace or Tribal courts. The federal Aboriginal Justice Learning Network has supported justice committees by funding specific training workshops, such as team building and high risk kids. One committee visited also receives funding through the Brighter Futures Program. These funds are used for the coordinator's salary. The Brighter Futures funding, however, is only available on an annual basis, requiring reapplication yearly, and is therefore not a secure source for salary dollars. Knowledge of potential sources for additional funds and the ability to prepare proposals to obtain these funds are two key requirements for committees/coordinators to be successful in increasing their resources. As earlier chapters have indicated, the CJS has a role here in providing the required information and assisting with proposal writing.

According to our committee/coordinator respondents, funding is primarily used for:

- an administration fee (10%) which goes to the sponsoring organization (who bears ultimate financial responsibility and accountability);
- salaries for coordinators;
- dedicated office space for some, though our visits indicated that this space was not always adequate (see below);
- expenses such as telephone, fax, photocopying and internet access where available;
- honorariums for committee members; these are both expected and necessary to attract volunteers; sometimes motivated people are more inclined to participate on committees offering better honorariums; in small communities with few employment options, honorariums can be an important income supplement, especially for elders; some coordinators control the amount given by having fewer meetings for diversions but scheduling a number of cases to be dealt with on a single occasion; committee members are paid the set amount no matter how long the meeting (some are several hours); one justice committee visited does not pay honorariums;
- support for community activities, especially those aimed at young people, e.g., prizes for games.

Six communities in the Western Arctic (Fort Smith, Hay River, Inuvik, Fort Simpson, Rae Edzo and Yellowknife) have fine options and/or community service order programs and receive funding specifically for these. Additional funding, for which the community/committee makes a specific request, is often used for conferences and training workshops for coordinators and committee members. Some of these are delivered in the community while others are attended outside of the community. Examples given of recent workshops included: team building for committees, working with high risk youth, a regional traditional workshop and justice conferences held both locally and regionally.

Almost all respondents identified areas in which they feel that funding is not adequate to the needs. The major shortcomings are outlined below.

- The ability of coordinators and committees to obtain training or take advantage of planned training and information opportunities was cited as the greatest need for additional dollars. One aspect of this involves the development of networks and information-sharing mechanisms. There is a strong desire to learn about other possibilities for programs/activities as well as to promote their own accomplishments. This helps to reinforce motivation and commitment by overcoming the isolation in which coordinators/committees struggle to keep viable programs functioning. According to respondents, there is a high burn-out factor among coordinators and committee members.

- CJSs reported that there are not enough dollars for ongoing CJS training and professional development. This affects, to some extent, their level of motivation and commitment as some feel that the demands of their position exceed their own capabilities and others feel that they are unable to develop in the job and thus

experience diminishing returns from their work. However, the Community Justice Division has provided CJSs with operational budgets that allow for their own training as well as travel to obtain this. The CJSs together identified at least 20 training sessions in which they had participated in 1998/99. This suggests that the problem may not be one of inadequate dollars but of the lack of a systematic approach to understanding and identifying job-related training needs. It might also be the case that some kinds of training that CJSs would benefit from are not often available in the Territories and to travel to another location would be costly. (see section 4.3 for a more detailed discussion of CJS training).

- The adequacy of travel dollars for CJSs was questioned. One coordinator was told that the specialist could not visit, though their assistance was requested, because the travel budget was exhausted. Each CJS has a travel budget which is under their own control. This budget is based on estimates for two-three trips to communities per year. In some cases, the Director has supplied additional travel moneys from the Director's operations and maintenance funds when a CJS has expended all of their travel budget before the end of the fiscal year. Regular travel to communities and responding to community requests for visits is regarded by the Division as being of primary importance and extra dollars can be found for this purpose. The CJSs may have to rationalize their travel through more careful advance planning to obtain economic air fares and visiting as many communities as possible when on a particular route.

- Some active committees have encountered monetary barriers in being able to obtain the services that clients need, e.g., having the ability to place people on the land in existing camps. A number of committees would like to develop their own wilderness programs but lack both program development and operational funding for these. A couple of the committees interviewed are preparing proposals for Crime Prevention Strategy funding for this purpose.

- Two commonly mentioned needs were for healing and wellness workshops, both for committee members and for clients, and for a greater number and variety of prevention activities for youth.

- In many cases, coordinators (and committees) do not have appropriate office space or equipment. Issues of access to meeting space (which constrains when meetings/diversion hearings can be held) and privacy to offer clients confidentiality were raised (some share an office or have been given a corner in an open area in the First Nation administration building; some are in organizations whose other activities may not be compatible with the work of the coordinator, e.g., a youth drop-in centre). Lack of available computer, fax and telephone also hampers some coordinators in carrying out their jobs.

6.2 Accountability

Accounts by CJSs of their reporting requirements varied, from saying that their job description "requires only an annual report" to "no real reports are required, only

verbal ones twice a year". Most do not provide accounts of their own activities except verbally in twice annual meetings. Apparently written reports had been an expectation at an earlier point in the program's history but these were seldom done and did not seem to be considered by anyone as particularly useful. CJSs communicate informally with the Director when they have a need for information or assistance but have very little communication with one another (except for one "team" of two CJSs who have an agreement between them with respect to their division of labour in two regions - one handles all of the budget and financial administration).

Four of the five CJSs are located outside of Yellowknife, being a resident of one of the communities in the region they are serving. Since their responsibilities are primarily to provide assistance to communities in the same area, they operate in relative isolation from both the Division and one another. Without a routine reporting format regarding their activities and achievements, there is a dearth of information which can be provided by the Division when the role of the CJS has been questioned. Community respondents as well as several coordinators and committees often asked "what do they do?" In many cases, local government representatives have neither met nor seen the CJS in their community. This is not necessarily because CJSs have not been there, but may be due to lack of regular communication from CJSs about their activities. Although the role of the CJS, as originally envisioned and broadly understood, is widely regarded as being of potential value to the communities, few respondents now consider it to be fulfilling this potential.

Most Aboriginal and non-Aboriginal persons with whom we spoke feel that local accountability of the CJS to the communities served should be established. It was suggested that, at the very least, they could meet with Chief and council to report on their activities. Some respondents would like to see a work plan from the CJS so that they know what to expect. These respondents also feel that communities should have input to this work plan or be able to provide guidance and direction.

One of the key functions of the CJSs is to maintain the funding accountability link between communities/committees and the Division. This is exercised through their obtaining the six-month and year-end reports so that the funding can be provided to communities. While some CJSs find that this process takes considerable time and they have to "chase" communities for these documents, others did not indicate any major problems in this respect. Some coordinators and committees do not see the reporting requests as being difficult; often the First Nation administration or sponsoring agency handles the financial matters. Others have, however, encountered a range of problems with the accountability requirements:

- preparation of year-end financial reports is in the hands of the sponsoring organization which is dealing with a number of government-required reports; many of their other year-end statements are for substantial sums and these take priority;
- committees without coordinators have no dedicated person to put together the information;
- coordinators of committees that are chartered societies must prepare their own reports; these coordinators lack specific training and experience in preparing financial statements and find that it takes a significant amount of time in the midst

of their other responsibilities (one coordinator said that it takes a full week to do the year-end report);
- CJSs are either difficult to reach or not very helpful in responding to requests for assistance;
- although no one disputed the need for financial accountability, some coordinators/committees do not understand the need for other information or exactly what type is being asked for.

Most coordinators/committee members reported that they are maintaining minutes of meetings and records of their activities. Some receive regular financial updates from the sponsoring organization. Several have also instituted reporting processes to the RCMP regarding diversions and their outcomes. In most cases, coordinators indicated that they regularly provide reports about these to their committees.

6.3 Conclusions

As the above discussion indicates, there are a number of issues concerning both funding and accountability that need to be addressed. The failure to take-up the total amount of funding available for communities is related to a number of factors though it is certainly possible for CJSs to play a more active role in this regard. The pace at which the funding process moves, including the Department's release of moneys, is too slow and unpredictable for communities who are depending upon a steady flow to pay coordinators, honorariums and plan activities. The Community Justice Division has taken a proactive role in "fronting" the first payment of moneys to communities. This involves some risk of losing funds but it must also be recognized that a funding process tight enough to avoid any loss whatsoever would only penalize communities and work against the philosophy and intent of the program. It is possible to improve the process internally, however, and to implement more systematic early follow-up on the part of CJSs.

Accountability on the part of the CJSs to both their employer (i.e., the Community Justice Division) and to communities needs to be strengthened. CJSs are the primary link between the Department and the communities and, as such, carry the responsibility of ensuring that the Community Justice Division is informed about the program's operation and that it is addressing community justice needs to the extent that its mandate allows. As the key agents of the program, CJSs need to be providing more information, including accountability for their own role, to the Community Justice Division.

The amount of funding being provided to committees/sponsoring organizations is not adequate to the needs that they have expressed. Expectations of committees on the part of the Corrections Division of the Department of Justice, RCMP, Crown, and members of the judiciary are increasing. All of our respondents affirmed that community justice is not only an important and necessary program but that they would like to see communities take on even more justice functions. The capacity of existing committees and their coordinators to do this, given the current funding level,

is very limited. Perhaps the most important funding need is for resources devoted to training for CJSs, coordinators and committee members.

The following recommendations are offered to assist in resolving these current difficulties. These recommendations should be carried out as part of the program enhancement and should be among the early changes made. It is expected that, if the program is transferred, the transfer body can further adapt or change some of these to meet their own needs. Accountability will comprise part of the transfer contribution agreement between the Community Justice Division and the transfer partner.

Recommendations

- More regular written reporting is necessary from the CJSs, both to the Division to fulfil their accountability as employees and to communities to maintain their accountability for services being provided.

- Reporting to the Division and to the communities by the CJSs should be based on their work plans and indicate which activities have been carried out, which have not, the reason why not, problems encountered and any needs for resources or assistance. The optimal reporting period to the Division can be determined by the Director in consultation with the CJSs but should be at least quarterly. Reporting to the communities should also be done on a regular basis through meetings with local governments, especially at the beginning of the fiscal year to discuss the work plan. Committees and local governments can subsequently be sent copies of part or all of the CJSs' written reports to the Division.

- CJSs should meet with committees/coordinators/sponsoring organizations (or by telephone/e-mail if necessary) when contribution agreements have been sent to go through the agreement and ensure that it will not get "lost" among other paper work. At the same time, the reporting requirements and types of information requested should be fully explained and a time-frame specifically set out for these. The CJS must systematically follow-up at an early enough point with committees/coordinators/sponsoring organizations and provide assistance if needed.

- The Division and the Department should examine its own process for sending agreements and cheques with respect to timing. Communities should have their moneys when they expect to receive them, if reports have been submitted.

- A simplified reporting form, standard for all committees/coordinators, needs to be designed and provided to committees/coordinators/sponsoring organizations as part of the contribution agreement package. In one or two pages, the key data requirements can be set out in a check-off, fill-in-the-blanks, yes/no format. Among the questions to be included should be to identify any problems affecting their functioning which they have encountered, either with the Division or with other parties, as well as any needs that may have emerged.

- Funding should be enhanced for the training needs of committees/coordinators. This is necessary for some of their reporting functions, e.g., bookkeeping, records maintenance. The importance and potential uses of adequate documentation to the committees/local projects and communities they serve needs to be part of this training. As one respondent pointed out, knowledge about their experience helps "to build the process of starting a new justice system".

- A forum for committees to be able to share their current efforts in collecting and maintaining information as well as the uses made of this information should be provided by the Community Justice Division. Three coordinators/committees in the eight visited communities are now developing systems to track their activities and decisions. Their models and experience may meet the needs of both other communities and the Division.

- The ability of committees and projects to plan their activities so that they can respond to local needs and demands requires predictability of the funding amount and its timing. The Community Justice Division informs communities of the amount they can expect. Timing is a problem, however, not just in terms of the current process but also with regard to the portion of the total payment being provided in each instalment. Some committees find that they require more funds at the beginning of the year or at specific points in order to implement some activities. Consideration should be given to changing the instalment sizes if a committee/coordinator presents a plan requiring this.

- While the Community Justice Division requires information from communities, it also has a responsibility to provide communities with adequate and current information about its own activities, developments in Territorial justice system processes and practices, potential funding sources, changes in legislation or legal interpretations that may affect the work being carried out by committees. A periodic newsletter, including this as well as other information about community justice, should be prepared and distributed to the coordinators by the Division. Creation of a web-site for the program should be considered as an increasing number of communities are gaining access to the internet. The costs of internet access should be provided by the program.

7.0 EVALUATION AND MONITORING FRAMEWORK FOR THE COMMUNITY JUSTICE INITIATIVE

The following pages discuss the requirements for an evaluation and monitoring framework for the Community Justice Initiative and outline a process for developing these functions.

7.1 Program Logic Model

Evaluation focuses on questions of effectiveness, i.e., is the program achieving the results intended for it? In developing an evaluation framework, it is therefore important to:

- establish what the planned outcomes (i.e., results) are;
- define these outcomes in a way that makes them amenable to measurement;
- determine which activities are supposed to lead to which results.

This process provides a program logic model outlining the specific program actions and the expected results of these actions. An important assumption is that these results would not occur in the absence of the activities delivered by the program. The Community Justice Program can be seen at two levels: the program as implemented by the Community Justice Division and the projects that it supports in communities. The Division's "program" can be understood as:

acquisition, allocation and dispersement of funds to communities;

+

provision of technical assistance to communities, through the CJSs;

to ↓ *produce*

"community justice"

The community projects vary in type, as permitted by the program, and are determined at the local level. Thus many communities have committees (though these are not required by the program) and, although committees may decide to undertake various justice-related functions, most are operating as pre-charge diversion programs. Some communities also administer fine option/community service order programs. In addition, the Division enables communities to carry out occasional functions such as workshops and conferences.

In the case of the Community Justice "program", it is not clear what the intended outcomes are and, therefore, how these can be measured. According to the mission statement *"Community Justice is committed to community empowerment and a real shift in power, authority and allocation of resources"*. The stated values and principles appear to describe those characteristics that the program is to demonstrate in its operation though some could also be interpreted as outcomes, e.g., *"people must have the principle [sic] role in the development, delivery, governance and evaluation*

of their community justice practices and the community justice specialists will be guided by their evaluations". However, there are several versions (some marked draft and others not dated) of the mission statement/values/principles document, hence no indication of which is the most current "official" version. The Contribution Agreement includes a Statement of Purpose which outlines that:

> *"The Department of Justice provides contributions to communities for projects that promote and encourage the participation of communities in the justice system and the development and implementation of culturally-relevant, community-based alternatives to the formal justice system".*

A major question for the Division, then, is what its specific aims are, i.e., what are its intended outcomes - to develop justice committees, to create diversion programs, to save court time and costs, to help communities heal, to have communities develop other types of alternative justice programs, to assist communities resolve conflict, to create safe and secure communities, to increase community capacity for assuming responsibility for justice? All of these have been cited as the purpose of the program in various reports and documents as well as by a range of respondents.

A recent article in Federal Probation (1997) succinctly explains the difficulty in evaluating community justice programs:

> *"Many restorative and community justice initiatives have objectives that are far more holistic than traditional crime control responses which have typically utilized recidivism rates as a primary outcome measure. An evaluative framework for these approaches would, therefore, have to include measurable criteria to assess outcomes of 'community empowerment and solidarity', 'victim interests' and 'crime prevention'. The relative importance assigned to such outcomes as community and victim involvement, offender shaming, reparation to victims, dispute resolution and healing will also determine how one gauges the effectiveness of any model. However, as new, more appropriate standards emerge for evaluating the impact of community justice, the most important concern, as suggested by the quote from one of the key practitioners [at the beginning of the article], is that the basis for comparison be the reality of the current system rather than an idealized version of its performance."* (Bazemore & Griffiths, 1997, p.9)

For evaluation purposes, definition of the program's intended results should be consistent with the program's sphere of operation. There is a difference between those things that the Division's program can directly achieve and those things that are in communities'/committees' power to achieve. The program essentially funds and supports communities to develop and implement justice mechanisms that they determine and subsequently carry out. Many of the community-level projects depend upon the cooperation of other agents (e.g., the RCMP in the case of diversions). Without this cooperation, a community's project may not be implemented in the intended way. However, it is beyond the power of communities/committees to control

this completely although they can influence it to some extent through appropriate actions on their part (i.e., developing good relations, establishing protocols, etc.).

To evaluate the effectiveness of the current operation of the Community Justice Program, the chain of actions, the agent responsible for implementing these actions and the expected results (i.e., goals and objectives) for each need to be specifically defined before measurable indicators and appropriate data collection processes can be determined.

Respondents told us what results of justice activities in the community would be the most important ones to look at to show whether the program is working. CJSs mentioned:

- the activities of the committees;
- the number of meetings with families, number of family group conferences;
- number and types of contacts with organizations, number of community meetings, how many people attend, number of meetings in the schools, other indications of community visibility;
- the comments of RCMP, judges, Crowns;
- feedback from the community, other organizations;
- types of offences being diverted;
- the number of clients by age and gender;
- the types of dispositions being determined at diversion meetings;
- whether offenders are participating in and completing their disposition agreements;
- offenders who do not re-offend;
- whether offenders have changed their lives;
- identification of the resources they need;
- having the communities/committees/sponsoring organizations evaluate the performance of the CJS.

The coordinators and committee members, in naming the results they considered to be important, essentially agreed with the CJSs:

- the activities being carried out;
- the number of persons diverted;
- the number completing their dispositions;
- number of letters of completion accepted by the court;
- how individuals feel about the community process in comparison with the court process;
- communities' perceptions of committees and what the community sees as working;
- how clients feel about themselves, whether they learned anything, what changes they made in their lives;
- whether clients committed offences again;
- changes in crime statistics in the different regions;
- changes in the size of court dockets;
- whether people are understanding traditional restorative justice.

The above lists contain some useful suggestions for measuring program functioning and assessing its results. However, they also illustrate that, for the most part, the

current understanding of the Community Justice Program is that it is a diversion program.

7.2 Data Collection Process

The nature of the process for collecting information on the program's activities and outcomes depends upon the measurable indicators established for these and the points at which the data for these indicators resides. A number of factors should guide this data collection:

- simplicity of measurement: counts of different types of activities (e.g., communities funded, functioning committees, special events, diversion meetings, family conferences, community meetings, clients served, agencies/organizations contacted, clients completing/not completing diversions, clients referred back to RCMP, etc.);
- standardization of data: clear definitions for the measures requested;
- assignment of responsibility to the appropriate individual or organization: for reporting/monitoring, this could be the coordinator and the sponsoring organization; for a more complex evaluation, involving interviews with a range of various parties who have a relationship to the program, an external evaluator should be considered.

There are a number of possible ways in which information could be gathered:

- committees could undertake a self-examination and assessment of their own activities and results to identify problems and shortcomings as well as potential ways to resolve these and improve their projects;
- sponsoring organizations could complete forms or be interviewed about their assessment of the project;
- program clients could be asked about their own experience with the program and whether it has helped them;
- RCMP, Crowns, JPs and judges, probation officers and corrections officials could be interviewed to obtain their perceptions;
- agencies or services involved with the committee could also be interviewed;
- focus groups or interviews with key respondents in the community could be carried out.

Several coordinators/committee members indicated that they maintain minutes of meetings and files on their clients. Some are currently developing their own forms and systems to track their activities, decisions and results in a consistent fashion. Some also provide reports to the RCMP as well as to the Crown, legal services and the court regarding the outcomes for diverted clients. Many committee/coordinator respondents are clearly receptive to the idea of gathering and recording information if it will prove useful to their own need to learn more about the effects of their efforts and ways to improve these.

7.3 Suggested Uses of the Information

The information collected can be of value to the Department of Justice, the communities and any organization to which the program may be transferred:

- The Department has to be able to "defend" its current level of expenditures on the program when government costs are under scrutiny. It needs to be able to demonstrate that the program is accomplishing what it intended to and that these accomplishments are important and cost-effective.

- The Department has to be able to present a case for additional funding for the program by providing solid evidence that it is currently achieving the government's objectives and has the capability of greater progression toward these objectives.

- Communities have to be able to provide evidence that current funding is being used effectively if they desire additional funding for more programs to meet their needs.

- Communities need to know whether the activities they are undertaking are meeting their own objectives. Information about this will assist them to improve their activities for the benefit of the entire community.

- Documentation of activities and results will allow communities to identify their own "best practices" and share them with other communities both in the Territories and nationally.

The importance of the information lies only partly in helping the Community Justice Division maintain program accountability and provide evidence that additional funding will be well-used for the benefit of communities and the justice system. It is just as important that this information be made available to communities both so that they can see whether the Division is doing the job it should and so that they can learn from each other's experience.

7.4 Supports Required for Monitoring and Evaluation

A primary task for the program is to educate communities/committees of the value of maintaining systematic records for evaluating their projects and the program as a whole. While respondents accept the need for financial accountability, they tended to see other information requirements as only creating "paperwork" just because governments like statistics. This perception arises partly from their own traditions which are based on oral narratives, partly from not seeing any value in, or advantage of, such information for their programs and partly from confusion about what is being requested.

The supports required for monitoring and evaluation are:
- information and education about the purpose of evaluation and its uses for committees and programs;
- training in the basic principles of evaluation and data collection;

- training in the use of appropriate software (e.g., Word, Excel) and access to a computer;
- supportive assistance available to answer questions and to follow-up regularly with coordinators/committees;
- resource materials and identification of on-line resource sites;
- simplified recording forms provided to coordinators/committees.

7.5 Role of the Department of Justice

If the Department of Justice requires information that must come from the committees/sponsoring organizations it will be necessary to provide the kinds of supports and resources outlined above. The first task of the Community Justice Division, however, must be to clearly establish the program's parameters, aims and objectives and the ways in which it is purporting to achieve these. Defining what to measure and why has to be done before it is possible to determine the indicators and methods through which this can be carried out.

Recommendations

- Before an evaluation framework can be designed, the Community Justice Division must clearly define its aims and objectives as well as the activities it is undertaking to specifically achieve these aims and objectives.

- The uses to be made of the information should be established as a guide to setting priorities for collecting the necessary data. Among these uses should be that of providing to committees/community projects the accumulated knowledge about their own programs and the results they are achieving.

- A number of supports (including training) are required by committees/sponsoring organizations if the Department of Justice will be asking them to collect and provide a range of detailed data. The Community Justice Division must make provision for these supports in order to be able to obtain consistent, reliable and accurate information.

8.0 COMMUNITY JUSTICE INITIATIVES IN OTHER JURISDICTIONS

Based on a review of relevant literature and interviews with key respondents, the following chapter provides a summary of the community justice initiatives in other jurisdictions in Canada from the broad perspective of restorative justice. The chapter describes some specific projects and programs identified as 'best examples' of initiatives in other Canadian jurisdictions. The issues and concerns surrounding these projects and programs are discussed in two categories: critical issues and major concerns. The 'best practices' at the current time are highlighted and some comparisons are drawn with the GNWT Community Justice Initiative.

8.1 Overview of Initiatives

In Canada, there is a growing interest in restorative justice, community justice and other alternative dispute measures; however, to date more of the attention has focused on restitution and community service programs, community courts, prosecution units and related services such as community policing.

"Community justice" or "restorative justice", a dynamic new community justice movement in the 1990s, is an evolving concept. New approaches are continuously being devised, evaluated and adapted to fit unique community needs. Every province and territory is currently practicing some form of restorative justice. Clearly, this approach to criminal justice is considered to be a 'fresh way of thinking' about how to deal with crime and conflict. It is not considered to be just another "program".

The restorative justice paradigm is grounded in the philosophy of "making things right". This is achieved by engaging victims, offenders and the community in a process of reparation and healing as a means of dealing with the harmful effects of crime. The impact of the crime on the victim forms the basis for defining how the harm from the crime will be resolved. The community plays an active support role to victims. It holds offenders accountable and responsible for their actions in a way that differs from the prevailing criminal justice system, yet provides them with opportunities for reparation. Healing and forgiveness replace punitive sanctions and the adversarial nature of mainstream justice is replaced by open communication and joint dispute resolution.

Community justice is often described in ill-defined, vague terms. Nonetheless, it is a community-based alternative to the prevailing justice system that involves community members in the justice process. In Canada, community justice often *"encompasses community policing, neighbourhood courts and justice centres, community development and 'community-building' interventions, 'beat probation' and a variety of delinquency prevention programs."* (Bazemore & Griffiths, 1997, p.4) Consequently, community justice or community restorative justice can refer to a range of community-based initiatives associated with the restorative justice paradigm.

Three key principles form its foundation:

"1. Crime results in injuries to victims, communities and offenders; therefore, the criminal justice process must repair those injuries;

2. Not only government, but victims, offenders and communities should be actively involved in the criminal justice process at the earliest point and to the maximum extent possible;

3. In promoting justice, the government is responsible for preserving order and the community is responsible for establishing peace." (Restorative Justice 1997, from internet, p. 2)

Rather than incarceration for most cases of crime and transgression, restorative justice promotes several proven conflict resolution methods including:

- Community Justice Conferencing/Family Group Conferencing [FGC] (based on Maori sanctioning and dispute resolution traditions where the victim, offender, family members and supporters meet to express emotions, address unanswered questions and discuss victim restitution and reparation);
- Aboriginal Sentencing Circles - an alternative sentencing process in which community members participate in discussions with justice authorities about available sentencing options and plans for reintegrating the offender back into the community:
- Peer Mediation;
- Victim-Offender Reconciliation Programs [VORP])/Victim Offender Mediation [VOM]) (meet face-to-face with a trained third party mediator to arrive at a reparative agreement; allows victims to recount their story and obtain information about the offence);
- Court Diversion Programs;
- Alternative to Violence Projects;
- Victim Impact and Empathy Panels;
- Community Justice Planning;
- Community Sentencing Panels - community volunteers address the social factors that are manifested in crime and focus on restorative measures (victim involvement, mediation, restitution and reparation).

Restorative justice appeals to both Aboriginal and non-Aboriginal communities who are disenchanted with the current adversarial criminal justice system; however, their attraction to the philosophy differs. Aboriginal communities are interested in restorative justice because it is similar to their own traditional justice practices and it offers a culturally relevant approach for community offenders. Non-Aboriginal community members view restorative justice as an option which better addresses community and victim needs. Offenders are held accountable to the community and to victims for their actions and are provided an opportunity to reintegrate into the community and restore social harmony. They are expected to reconcile with their victims and assist in the reparation of personal damage.

Restorative justice programs in Canada operate within the prevailing justice system framework. *"Some aboriginal people support this and some are opposed, arguing that aboriginal people have an inherent right to their own separate justice system based on their own culture and traditions."* (Restorative Justice 1997, from internet, p. 2)

Regardless of the restorative justice approach, the models share common elements including:

- an alternative to the mainstream adversarial justice paradigm;
- non-adversarial, community-based sanctioning processes;
- a less formal justice process brought closer to the community level:
- increasing community involvement;
- requiring an admission of guilt from offenders or a finding of guilt;
- decision-making by consensus.

On the other hand, the variations in the models most often relate to:

- staffing;
- eligibility - ranges from minor first offenders to quite serious repeat offenders (i.e., circle sentencing);
- the point in the system at which referrals are made;
- the structural relationship to formal court and correctional systems;
- substantial differences between process and dispositional protocols;
- cultural differences *"ranging from ancient rituals involving passing of the 'talking stick' or feather in the case of Circle Sentencing to the more deliberate agenda followed in the hearings of community boards"*; (Bazemore & Griffiths, 1997, p.3)
- administrative and process differences;
- evolution as they continue to be adapted to local circumstances.

Based on key respondent interviews and a review of selected literature, the following sections describe, in various levels of detail, those initiatives considered to be 'best examples' of community justice practices in Canadian jurisdictions outside of the Northwest Territories.

8.1.1 First Nations Justice Strategy (FNJS)

The First Nations Justice Strategy is a pro-active pilot project designed to improve the justice system in the First Nation communities in the Manitoba Keewatinowi Okimakanak Inc. region. The main components of this strategy include a magistrate court party, a justice coordinator/trainer, community justice workers and an evaluation. These components are summarized below:

A Magistrate Court Party

- an Aboriginal Magistrate who conducts courts in Cree
- a Crown Attorney with a restorative justice 'bent' works for the MKO

Justice Coordinator/Trainer

- introduces the concept of Family Group Conferencing to the participating communities

- trains community people
- helps involved communities to develop alternatives to the current court system

Community Justice Workers (nine CJWs provide service to the four areas represented by the three tribal councils and the group of independent communities that make up MKO)
- are key players
- introduce the Family Group Conferencing restorative justice principles to their communities (similar to traditional healing circle)
- liaise between community and mainstream court system
- facilitate a community response to offenders
- refer offenders to justice committee or other appropriate community group
- keep records of cases dealt with (to provide a statistical basis for evaluating the project's success and to ensure compliance with appropriate diversion guidelines)
- are responsible for monitoring and supervising community dispositions
- develop local justice initiatives/alternatives to the present system

Evaluation
An evaluation to measure the impact of the FNJS, the administrative efficiency of the project compared to the circuit court system and the appropriateness of dispositions is being completed in partnership with the affected communities to determine whether the sense of justice has been improved by this initiative and to make recommendations on future improvements.

The FNJS handles pre-and post-charge diversion of less serious youth and adult offenders by means of a panel of Elders; men, women and young people; or an appointed justice committee (where they exist). Alternative diversion methods such as healing/sentencing circles, family group conferencing and sweat lodges are also utilized. The strategy has been designed to include a range of diversion options:
- restitution/compensation in cash or kind;
- mediation to effect reconciliation and reparation;
- community service work (e.g. cutting firewood or hunting/fishing for Elders);
- personal service work for victim;
- a direction to take appropriate counselling (e.g. elder counselling, drug/alcohol, health, mental health, social services agency);
- an interview with the offender to examine the circumstances of the offence and the action to make amends;
- curfews;
- referral to a specialized program (e.g., life skills, crime prevention, shoplifting);
- referral to a social, educational or health service for appropriate follow-up;
- Aboriginal cultural activities.

Special funding to implement the recommendations of the Manitoba Aboriginal Justice Inquiry is provided to the FNJS. The federal government matches the funds contributed by the provincial government.

8.1.2 Hollow Water

At Hollow Water First Nation a holistic healing, alternative sentencing program was developed and implemented in 1987. The program has been well received, continually evaluated and unique to Hollow Water in that attempts to franchise it have not been successful. It is a healing process specific to child sexual abuse rather than diversions. *"In 1993, a team of seven Aboriginal para-professionals from the Hollow Water reserve were trained in sexual abuse treatment to assist the CHCH Assessment Team in providing support, counselling and assistance to the community, helping the Assessment Team in healing sexual abuse victims, victimisers, and family members to ensure that the cycle of abuse is broken. Current funding is used to continue the specialized services of the para-professionals in the communities of Hollow Water, Manigotogan, Aghaming and Seymourville."* (Department of Justice Canada, 1998, p.28) The program employs 11 staff people, each with two years of training. This program is heavily developmental and not readily transferable.

8.1.3 Restorative Justice Program for Nova Scotia including Mi'kmaq Young Offenders Project and Contract with Mi'kmaq Justice Institute

In June 1998, the Minister of Justice and Attorney General for Nova Scotia introduced a framework for the establishment of a provincial restorative justice program to commence with Phase 1 early in 1999. The program framework is similar to that of the First Nations Justice Strategy of the MKO.

The initiative is intended to reduce recidivism, increase victim satisfaction, strengthen communities and increase public confidence in the justice system. In moving towards a more restorative approach to justice, the community agencies throughout the province have been involved in modifying generic models to meet the "unique complexities" of their constituent community. The Nova Scotia government acknowledges that: *"Restorative justice will not work if there is a perception that Government officials are deciding what is best for communities".* (Nova Scotia Department of Justice, 1998, p.7)

The restorative justice models include victim-offender conferences (face-to-face meetings in the presence of a trained facilitator), family group conferences and sentencing circles. Currently, restorative justice will not be an alternative for all offences. Spousal/partner violence and sexual abuse offences are only considered at the court (post-conviction/pre-sentence) and correction (post-sentence) entry points because of concerns about power imbalances between victims and offenders in a restorative forum. This will continue to be the case until the province takes a formal position on this matter.

The first phase of the initiative is intended to target youth because the Alternative Measures Societies have been dealing with, and have gained expertise with, this clientele. One such initiative, the Mi'kmaq Young Offenders Project, originated as a three-year pilot project sponsored by the Island's Alternative Measures Society and Union of Nova Scotia Indians. It is now operated by the Mi'kmaq Justice Institute and

focuses on five First Nations in the Cape Breton area. The project operates healing circles for their Aboriginal youth clients and includes alternative measures, dispositions for pre-charged young offenders and supervisory activities for community service orders. The Nova Scotia government recognizes that the current resource allocations to the societies is inadequate for the service provision expected within the restorative justice framework. They anticipate that resource enhancement and the increased use of formal cautions will facilitate program implementation. The province intends to establish a rigorous monitoring and evaluation process to measure the initiative's success in goal achievement.

More recently, the Nova Scotia government has entered a contract with the Mi'kmaq Justice Institute to provide alternative measures as well as justice and court work services to the 13 First Nations in the province. This is a federal/provincial cost-shared arrangement.

8.1.4 Nishnawbe-Aski Nation/Nishnawbe-Aski Legal Services Corporation

The Ontario government is working with the Nishnawbe-Aski Nation [NAN] to develop a community corrections services transfer agreement to serve the Aboriginal population.

The Nishnawbe-Aski Legal Services Corporation (NALSC), as an innovative legal services delivery organization, was established through the collaborative efforts of NAN, the Ontario Ministry of the Attorney General, the Ontario Legal Aid Plan and the Department of Justice Canada. It was formally incorporated on March 1, 1990. With a head office in Thunder Bay, the corporation provides one-stop access to legal services through the Ontario Legal Aid Plan, paralegal services, public legal education and law reform work to 50 fly-in and road access Nishnawbe-Aski communities in northern Ontario. Restorative justice approaches are applied in 15 of the 50 communities that the NALSC serves. Community sentencing circles are convened with Elders, spiritual leaders (Christian and traditional), chief and council and service providers or caregivers. The NALSC is governed by a 12-member board representing the corporation's membership, who are the chiefs of these NAN communities, and is managed by an executive director who is a lawyer. There is a restorative justice coordinator, who also sits on the Advisory Committee for the Aboriginal Justice Learning Network, and three community justice workers.

8.1.5 Yukon Initiatives - Champagne and Aishihik First Nations, Kwanlin Dun First Nation, Teslin Tlingit Council, Liard First Nation, Carcross First Nation

In the Yukon, many communities and First Nations are actively pursuing alternatives to the mainstream criminal justice system as a means of achieving greater public accountability, faster responses, increased victim support and a broader range of options for dealing with offenders. Sentencing alternatives include a curative discharge program, community service work, fine options, community justice committee support groups, house arrest, residential home placements, a male batterers' program, a sex offender risk management program and sex offender group

program for special needs offenders. The curative discharge program, house arrest and temporary absence programs have been implemented over the past few years as a means of de-incarcerating low-risk offenders. These residential placements assist in conditional sentencing, a recent sentencing option. The sex offender risk management program, a component of the Yukon's "Keeping Kids Safe" strategy, provides comprehensive monitoring and programming of convicted sex offenders in the community. The risk management model is also being adopted for high-risk spousal assault cases.

The 1996 study of Spousal Assault and Mandatory Charging in the Yukon noted that policies to address some of the concerns about the use of circle sentencing in spousal assault cases are necessary and cited the example of Kwanlin Dun where policies have evolved since 1992. Study respondents favoured flexibility after charging and concluded that this was best addressed by the development of criteria for Crown counsel which would allow for flexibility in a spousal assault case. Suggested criteria are:

- *"the seriousness of the offence;*
- *history of the accused in terms of previous charges and in terms of non-reported family violence (based on victim or other witness accounts);*
- *victim preferences re prosecution of her spouse, testifying and future contact conditions;*
- *availability of support for victim;*
- *acknowledgement of the offence by offender and willingness to participate in a treatment program;*
- *availability of treatment resources in accordance with the plan."* (Roberts, 1996, pp.108-109)

The Yukon has adopted a victim-centred approach as one of its main principles. Any proposed action for an offender takes into account the impact of that action on the victim. The approach is applied through an "Integrated Case Management Policy and Procedures" that encompasses correctional facilities, adult probation, batterer programs, women's counselling programs, victim services and the sex offender risk management program. Based on a cognitive social learning model, offender programming has been implemented in the institutions and in the community.

A joint Yukon Government/RCMP vision statement establishes a pre-charge diversion process. The RCMP and community justice committees have been reviewing cases that could better be handled through this process and have established conferences for Aboriginal and non-Aboriginal youth and adult offenders. *"A strategic plan will be developed so the program can continue to evolve to meet the needs of the community. This plan will include the distribution of resource material, training opportunities, and the development of performance measures to review projects."* (Solicitor General Canada, 1998, p.40) The Yukon is also continuing to implement a post-charge alternative measures program. A consultation process is underway to establish criteria and procedures for diverting cases at the post-charge level. Recently, Yukon Justice has begun consultations on a Corrections Strategy and has introduced a community development restorative justice training approach.

Several communities are receiving funding under the federal Aboriginal Justice Strategy and matched funds from the Yukon Government. These communities and their programs include:

Champagne and Aishihik First Nations - The Haines Junction Justice Committee, a partnership between Aboriginal and non-Aboriginal community members, serves Haines Junction residents and Champagne and Aishihik First Nations members living in Canyon, Champagne, Takhini and Whitehorse. Circle sentencing, mediation and diversion services are offered.

Kwanlin Dun First Nation - This Whitehorse community justice project is based on a restorative justice model and uses a mediation process for resolving disputes both informally and in the more formal circle sentencing process. The scope of their justice committee is being expanded to include youth and adult diversion.

Teslin Tlingit Council - Clan leaders develop community dispositions and provide sentencing advice. Youth and adult offenders are diverted to a Tlingit Peacemaker Court which provides for a clan-based mediation process.

Liard First Nation - an active Family Group Conferencing/Justice Committee program is overseen by the Dena Keh Justice Committee in a location serving the largest criminal case-load outside of Whitehorse.

Carcross - a joint Aboriginal/non-Aboriginal committee, the Southern Lakes Justice Committee, has been active in circle sentencing and developing community dispositions for a police-referred diversion program.

8.2 Issues and Concerns

Critical Issues

The experience of existing community justice initiatives has highlighted a number of critical issues. These issues, which have been voiced in both Aboriginal and non-Aboriginal communities, are related to community accountability, the protection of victim rights and program evaluation. As previous chapters indicate, many of these same considerations were also mentioned by the respondents interviewed for this review of the GNWT Community Justice Initiative.

<u>Community Accountability</u>

Concerns have been raised by key respondents and in the literature about community accountability in general and accountability mechanisms in restorative justice decision-making. This has led to the voicing of cautions in the development of community justice programs.

> *"Care must be taken to ensure that family and kinship networks and the community power hierarchy do not compromise the administration of justice.*

As in any community, there is a danger of a tyranny of community in which certain individuals and groups of residents, particularly those who are members of vulnerable groups, find themselves at the mercy of those in positions of power and influence." (Griffiths & Hamilton, 1996, pp.187-188)

According to respondents in the Northwest Territories, the issue of internal community politics has, in many cases, discouraged individuals from participating in community justice committees making decisions about the appropriate disposition of persons diverted from the mainstream justice system.

It has also been suggested in the literature that 'true participatory justice' is difficult to achieve because those communities in need of holistic, restorative-based justice programs are often the most dysfunctional. While these communities are encouraged to become involved in the disposition and sanctioning process, they may have only limited capacity or interest to do so. Many individuals interviewed in the Northwest Territories indicated a need for healing on the part of committee members so that they will be better able to assist others with the kinds of problems that have brought them into conflict with the law. Some respondents also feel that healing is required by community members in general and that this can help overcome difficulties in establishing and maintaining an effective community justice committee. The Community Justice Initiative has recognized this need through including healing workshops as one of the legitimate uses of community justice funding.

Protection of Victim Rights

The literature has noted that the rights and needs of vulnerable groups such as women and female adolescents may not solicit adequate attention in community justice decision-making models. In practice, the needs and rights of these vulnerable groups have often been ignored.

Aboriginal women have voiced concerns about the high rates of abuse in their communities and have questioned whether it is possible for community justice initiatives to provide adequate protection for victims.

In the Northwest Territories, a study of violence against women found that *"Aboriginal and Inuit women were concerned about the attitudes toward violence held by community residents and how this would impact the operation of community justice initiatives. ...there can be differences that develop along generational lines... older people may evidence a tolerance of violence against women that is no longer acceptable to young women..."* (Bazemore & Griffiths, 1997, p.10) Failure to address these critical points has led to criticism by Aboriginal women and has resulted in some programs being discredited.

Their concern is also about whether restorative justice initiatives will increase the intimidation and control of female victims and their families. One example of this misuse of power and improper practices was reported in the Vancouver Sun with respect to the justice initiative of the South Island Tribal Council. *"Native women ....*

say they live in fear of powerful members who pressure and intimidate women not to report instances of assault and sexual abuse. [There have been] several cases where powerful families pressured women to use the alternative system, which involves the band's council of elders, rather than bringing the sexual assault charges to court." (Vancouver Sun, 1992, July 31, p.B4)

> *"Every aboriginal community must ensure that all restorative justice programs are held accountable for misuse of power and intimidation of women. Women must be treated equally in order for these programs to be successful. This will be a challenge in some aboriginal communities since male-dominance continues to be part of their traditional practices. The traditional practices that are incorporated into these restorative justice programs must, however, be healthy ones, thus excluding inequal treatment of women."* (Restorative Justice, 1997, from internet, p.7)

The experience of other jurisdictions, as well as that of the Northwest Territories, has demonstrated that justice programs can easily become driven by offenders' needs, which are great, sometimes to the detriment of addressing those of their victims.

Evaluations Providing Empirical Analysis

Several justice programs, e.g., sentencing circles, have claimed to reduce recidivism rates among offenders processed through the initiative, to prevent or reduce crime and disorder, to lower costs, to advance victims' interests and to promote community solidarity. However, while these program benefits are measurable, most often they have not been evaluated and thereby subjected to empirical analyses to determine the extent to which these benefits have been achieved and to assess whether justice programs have been successful in meeting their stated objectives. In the Northwest Territories, coordinators, committee members and other respondents indicated that they would like to know whether community justice activities are leading to the results they are hoping for. Currently, there is little systematic reporting and no evaluation framework in place to provide the required information. As chapter 7.0 has pointed out, appropriate training for coordinators and committees is one of the prerequisites for this.

Other Concerns

In addition to the above outlined 'critical issues' identified in the literature and by respondents interviewed for the review of other programs and in the Northwest Territories, concerns have also been expressed regarding a number of factors important for effective community justice programs:

Training of Workers in Community Justice

Often community justice workers, community legal workers and justice development workers (as they are referred to in other jurisdictions), have not been provided with sufficient training to fulfil their job requirements. A range of training needs were

commonly mentioned by community justice specialists and coordinators in the Northwest Territories. Provision of adequate training can have a 'spill-over' effect for community development and capacity-building among community justice committee members.

Training of Community Justice Committee Members

Committee members volunteering in several justice initiatives recognize that they require additional training to better understand the operational aspects of committee functioning as well as their own roles and responsibilities and the appropriate channels of communication. As was outlined in section 5.4, this was echoed by many respondents interviewed for the review of the GNWT Community Justice Initiative.

Training of Mediators

The advent of VOM meetings has raised concerns about a need for mediators who are trained in the theoretical concepts of mediation and conciliation and the practical application of this knowledge and skill base within a criminal justice context. It is important to understand, and to have training in and experience with, the types of social problems and behaviour that offenders exhibit. However, it must be recognized that mediation between offenders and victims would not be an appropriate approach in cases of sexual assault and abuse or of family violence.

Victim Support Mechanisms

The experience to date in operating alternative dispute resolution initiatives indicates that support mechanisms are not in place in many communities to assist the victim with counselling, with the tools and supports to move through the healing process and with the information required about how the case and reparation are moving. Victims also require education regarding their rights and entitlements as well as to make them aware of resources available to them both within and outside of the justice system. The lack of support has been the subject of much concern and has overlapped with, and augmented issues about, victims' rights not being protected. This concern was also raised by some committees, RCMP and other justice system respondents in the Northwest Territories.

Offender Support Mechanisms

While community justice models have well-defined processes for diversion, for determining the disposition of cases and for deciding how offenders will make amends for their crimes, there are concerns about the absence of monitoring mechanisms which ensure reparation is in fact achieved. In the Northwest Territories some committees/coordinators are developing systematic follow-up procedures and tracking systems for this purpose. In addition, though, counselling, social supports, health supports and other program assistance, including aftercare, are not always available to offenders in the community or nearby to promote rehabilitation and reintegration.

Community-based respondents in the Northwest Territories pointed to this as a major concern.

Reporting and Record-Keeping

Reporting and record-keeping continue to be an issue in many jurisdictions. Some contend that the absence of adequate training is responsible for insufficient documented reports and poor record-keeping, as was expressed by most respondents in the Northwest Territories. Regardless of the reason, reports and records are essential for evaluation purposes and to create important statistical summaries that help programs to improve and community justice to build on its successes.

Offences Excluded from Diversion

Community justice committees across several jurisdictions have already expanded their caseloads to include more serious offences, such as sexual abuse and family violence, or have a desire to do so in the near future. With growing awareness of the experience in other parts of the country, this has raised concerns about revictimization and intimidation (some of which has been expressed above) and about whether the operating justice model in the community is equipped, or has measures in place, to guard against this occurring. Individuals interviewed for the review of the GNWT Community Justice Initiative indicated that many committees are reluctant to deal with these kinds of offences for the same reasons.

8.3 Best Practices Defined

The examples of 'best practices' identified as a result of respondent interviews and literature research have been categorized below. Many of these are outcomes of the natural evolution and development of community justice programs in other jurisdictions, arising from the experience and 'lessons learned' in operating various justice models. These 'best practices' include:

Restorative Justice in Practice - This is essentially the implementation of a community justice model that has the potential to restore harmony rather than place blame, thus operationalizing the concept of restorative justice as opposed to the adversarial and retributive approach on which the Euro-Canadian justice system is based.

Community Involvement in the Design and Implementation of Community Justice Initiatives - As a result, communities have a greater sense of ownership and control over the justice system. One program pointed out that *"our experience has shown that it only takes one key person in any community to initiate such justice initiatives"*.

Community Justice Worker Positions - Such positions are important for liaison and communication between communities and the existing justice system.

Community Justice Workers Employed by and Reporting to a First Nation Government - First Nation control of these positions helps to ensure close contact with Chief and

council and provides local support. This can also reduce the criticism that community justice workers are working for two masters, i.e., the government and the community.

Highly Motivated, Qualified, Trained Staff - It is important that community justice workers, mediators and facilitators be both well-trained and self-directing.

Ongoing Training - This is essential for new and continuing community justice workers, committee members and mediators. Examples of good training practices include: orientation training (background information, job description/expectations, roles and responsibilities, recruitment, importance of reporting, file maintenance and confidentiality), training in family group conferencing, VOM and other conflict resolution methods. In the case of mediators, theoretical and practical training specific to criminal justice mediation is necessary.

Well-Treated Crime Victims - Victims need support and counselling and to be kept apprised of the status of the charges as they wind their way through the justice system. Programs should establish criteria regarding victim preferences for offender prosecution, testifying and future contact.

Matched Funding/Additional Financial Resources - Programs should take advantage of opportunities for funding from both the federal and provincial/territorial governments. Cost-shared funding that matches provincial/territorial dollars augments resources that allow for additional supports, e.g., hiring of a justice coordinator.

Cultural Elements in the Program - When offenders are addressed in their own language by the Magistrate/Justice of the Peace, offenders, victims and community residents are more comfortable in the court setting. Ultimately charges are dealt with more readily which, in turn, reduces the volume of charges appearing on the dockets, takes the burden off the court system and allows it to focus on the most serious offenders. Other culturally appropriate processes, such as the opening and closing of court with an Aboriginal prayer, "smudging", etc., as determined by the community should be included as an intrinsic part of the program.

Community Service Work - Offenders may work in their communities under the direction of Chief and council. The community is involved in the sentencing process and reaps the benefits rather than fines being sent out of the community. This approach does not place the financial burden on offenders' families as is the case when fines have to be paid.

Policies and Procedures in Place - Comprehensive diversion protocols should be developed as an umbrella for individual community protocols. Guidelines for pre-charge and post-charge diversion need to be established outlining:

- the diversion process and options;
- a program policy setting out eligibility criteria, excluded offences such as abuse cases (spousal, partner, child) and exclusionary criteria;
- a Mediation Policy which anticipates voluntary victim and offender participation in a meeting with a trained mediator to effect a reconciliation and reparation;

- assurances that all justice and justice-related personnel are operating from the same understanding.

Reporting and Record-Keeping - It is important to maintain records of cases dealt with to provide a statistical basis for evaluating the project's success and to ensure compliance with appropriate diversion guidelines.

Evaluation - Evaluation should be built into the program components to measure the program's impact and to provide a basis for recommendations for future improvements.

Many of these 'best practices' are captured in both the intent and structure of the GNWT Community Justice Initiative. The program's philosophy and its current operating structure provides *"the opportunity to implement a model which has the potential to restore harmony rather than place blame".* It allows for community involvement in the design and implementation of community-based programs that are responsive to local needs and can incorporate traditional cultural practices. The community justice specialist position is analogous to the 'best practice' of having a position responsible for liaison and communication between communities and the justice system while the committees and coordinators at the community level provide accountability to their own First Nation governments.

The Community Justice Program recognizes the importance of training for committee members and coordinators through the funding provided to communities and included specifically for this purpose as part of the CJSs' budgets although, according to respondents of this review, a range of training needs remain to be addressed. Communities have been encouraged to seek additional funding, especially from the Aboriginal Justice Directorate at the federal level, and several have been successful in doing so. Community service work is a key component of many diversion dispositions and some communities administer the community service orders determined by the court for their own residents who come into conflict with the law. The GNWT Community Justice Division program has provided a standard protocol for diversions which communities are expected to put into place and which requires endorsement by the RCMP and Crown to indicate mutual understanding of the expectations of each party. However, though this mechanism is in place, there is a need to develop greater awareness of and familiarity with it on the part of all parties.

Reporting/record-keeping and evaluation are weak areas of the Community Justice Program. While respondents in the Northwest Territories acknowledge the importance of these functions, adequate processes and supports have not yet been established to ensure that these 'best practices' are carried out. Provision of systems, training and resources for this has been identified in previous chapters as one of the key roles which the Community Justice Division can play.

8.4 Conclusions

Community restorative justice initiatives in other jurisdictions as well as in the Northwest Territories are at varying stages of development and are continuing to evolve unique culturally relevant models suited to individual community needs. As communities gain experience, they are shaping their justice programs and expanding their conflict resolution methods and caseloads. It is evident that many of the justice models are attempting to address concerns of community accountability, misuse of power, protection of victims rights and evaluation in the reshaping and enhancement of existing programs and in the design of new ones. Criteria and additional support are being integrated into programs to address these concerns.

Because the objectives of many community restorative justice programs are more holistic than those of traditional crime control, an evaluation framework for these programs will have to include measurable criteria to assess outcomes of community involvement, victim empowerment and interests, healing, dispute resolution and crime prevention as well as typically-used recidivism rates. The relative importance assigned to each of these outcomes will assist in assessing how the effectiveness of their justice models are gauged. *"However, as new, more appropriate standards emerge for evaluating the impact of community justice, the most important concern ... is that the basis for comparison be the reality of the current system rather than an idealized version of its performance."* (Bazemore & Griffiths, 1997, p.9)

In all jurisdictions, including the Northwest Territories, justice personnel and programs are learning from their own experience as well as from the experience of others. Opportunities are being provided for increased training, support services for victims and offenders, and expanded justice committee responsibilities. Governments and community justice committees alike are also ensuring that protocols, policies, procedures and adjunct programs are in place to offset concerns in these areas and to provide a strong basis for success. As the preceding discussion indicates, the GNWT Community Justice Division and community justice committees are struggling with many of the same issues that have been encountered by similar initiatives in other Canadian jurisdictions, such as the need for training, community accountability, provision of supports for victims and offenders, appropriate staffing, establishing policies and procedures, reporting and record-keeping, integrating traditional ways with existing justice system requirements and evaluating the results of their programs.

Our review of community justice initiatives points to the fact that there is no "perfect" model which can be adopted as it stands by other jurisdictions and communities. An essential feature of each is that communities should control and adapt current practices to fit their own circumstances and traditions. The experience of these programs provides important lessons that enable others to build on their successes and avoid their mistakes. Some of the recommendations made in this report reflect what has been learned from the 'best practices' of other community justice programs as well as the issues particular to the GNWT Community Justice Initiative.

It is generally recognized that additional resources are necessary to implement well-designed restorative justice programs. Certainly, when both levels of government match funds, the opportunities for program enhancement are increased; however, in many cases, the matching of funds still does not fully meet the outstanding needs for implementation of a comprehensive community restorative justice program.

9.0 OPTIONS FOR THE GNWT COMMUNITY JUSTICE INITIATIVE

The Terms of Reference for this review has asked for *"recommendations based on community consultations and a review of other jurisdictions' best practices regarding: how the Department of Justice can best support community justice including the structure of the Department of Justice Community Justice Division and the location of its resources, and a consideration of how the model would lend itself to transfer or devolution to an Aboriginal government, claimant or other appropriate organization"*. To address this, the Department requested an outline of the potential options for the program together with a discussion of their implications.

The findings and conclusions of earlier chapters depict a program that has much merit in both its intent and execution. The evidence for this lies in the work performed by many justice committees and the recognition of their efforts by RCMP, Crown, community leaders and representatives of both Aboriginal and non-Aboriginal organizations. The program's strengths are several. Its philosophy is consistent with the approach to community-based justice that most respondents consider desirable: flexibility at the local level, community determination of activities, and encouraging relationships with the existing Euro-Canadian justice system. Both the NWT respondents and the review of programs in other jurisdictions confirm the importance of the position of community justice specialist and the essential role they can play in supporting committees, informing the Department of community needs and facilitating committee relationships with the justice system and with human service organizations. Similarly, there is strong endorsement of community justice committees (although they are not mandatory for program funding) as a mechanism providing community ownership and control of justice and of the necessity for coordinators in each community to assist committees with their work.

Committees, however, consist of a handful of volunteers, some with the assistance of a full-time coordinator but most with just a part-time coordinator. These committees are facing growing expectations: carrying out diversions (which, from all indications, will be increasing), arranging and monitoring fine options and community service orders, partnering with the RCMP in family group conferencing, potentially supervising temporary releases, taking on after-care of offenders and becoming the focal point for the provision of a range of community-based justice alternatives which the various players in the justice system would like to see. At the same time, committees and coordinators feel that they are not adequately resourced for the work facing them at this point. The major support offered by the Division of Community Justice, in addition to a minimal level of funding, is the community justice specialist and, in many instances, this support is not meeting the expressed needs.

As this examination of the Community Justice Program has indicated, there are some weaknesses in the implementation and operation of the program which need to be addressed so that it can serve community justice needs more effectively. The recommendations in this report point to a number of actions that should be taken:

- develop a vision for the program and define its goals and objectives based on this vision;
- clarify the roles, responsibilities and relationships of Department of Justice and community actors involved in carrying out the program and in activities related to the program;
- implement new accountability mechanisms and relationships;
- create more effective reporting and communication processes;
- build cooperative relationships with the justice system as well as with the human services sector;
- provide the necessary supports and resources to increase communities' capacities to address community justice needs.

For the Community Justice Program to assist communities in developing their capacity to meet their own justice needs, these areas must be addressed. The recommendations made in the previous sections of this report are intended to be carried out as part of program enhancement and should be among the early changes implemented. Regardless of which of the options presented below is exercised, these recommended changes are necessary even if the program is transferred. It is expected that program transfer will permit the transfer organization to adapt or modify some of these to meet its own needs. After transfer, there will be a continuing role for the Community Justice Division in working with the transfer party/parties to implement change.

While this review focused on the GNWT Community Justice Program, our respondents often pointed out that many of the justice-related problems which committees are attempting to address are rooted in social conditions that are beyond the power of committees to affect: alcohol abuse, family conflict, inadequate parenting skills, lack of recreation opportunities for youth, personal and community histories of abuse in residential schools, breakdown of extended family relationships and the change in the traditional role of elders. Most of these problems arise from destruction of Aboriginal cultures and social structures when control was taken out of their hands by Euro-Canadian institutions. The way to rebuild a healthy society lies in returning power to dispossessed groups so that they have the ability to determine their development to meet their own defined needs.

"Community justice", as the term is commonly understood, is both an adjunct to the Euro-Canadian justice system and an alternative that allows communities to regain some elements of control over the ways in which their members who are in conflict with the Canadian criminal justice system are dealt with. Aboriginal and First Nations' aspirations for justice, however, extend beyond this concept of "community justice". It is clear that community justice is intrinsically related to the overall health and social well-being of the population. The suggestion made by some respondents of a "social

envelope" approach with the full involvement of the Department of Justice Community Justice Division speaks best to this. One recent study of community justice concludes:

> *"Systemic reform toward community justice must not begin and end with new programs or staff positions, but with new values which articulate new roles for victims, offenders and communities as both clients and co-participants in the justice process, and accordingly, create and perpetuate new decision-making models which meet their needs for meaningful involvement. As is fundamental to the principals and values of restorative justice, the capacity of these models to impact and even transform formal justice decision-making, and ultimately correctional practices, seems to lie in the potential power of these co-participants, if fully engaged in meaningful decision-making processes. For this to occur, however, a dramatic change must also occur in the role of professionals from one of sole decision-maker, to one of facilitator of community involvement and resource to the community."* (Bazemore & Griffiths, 1997, p.11)

Coordination of programs among education, housing, health and social services and justice has the most potential for meeting community needs. Although this is the ideal long-term solution to many problems, it is recognized that both the Department of Justice and communities in the Western Arctic are anxious for assistance with immediate justice-related needs. The challenge facing the Department of Justice is to return control while not abdicating its responsibility to assist communities establish processes that meet the needs of all community members and provide for a smooth transition in the use of power. The Department of Justice can provide technical, training and funding support to help communities ensure that both offenders and victims, including those who are particularly vulnerable (i.e., children, women, physically and mentally challenged individuals), receive justice within the parameters of the Community Justice Program. The needs of all of these groups, however, extend beyond the mandate and capacity of the Department of Justice. These needs require the kinds of resources and programs that other GNWT departments should be able to provide. Many coordinators and committees pointed out that the services needed to address the problems of their clients are simply not available in their community. To fulfil the potential of community justice, so that it is not just a program that serves the needs of the existing justice system rather than those of the individuals "caught" in it, there must be access to services that can help offenders and support victims. This is a challenge that all government departments must meet.

The task of this review is to recommend to the GNWT Department of Justice how its own Community Justice Program can be best structured to help communities develop their community justice programs. Hence, the following options address the Department's program and its possibilities based on the input we have received from the individuals interviewed, the information coming from Community Justice Division records and the experience of other jurisdictions. The Community Justice Initiative is currently functioning in a transitional environment. There are several elements of change underway in the Northwest Territories and in the relationship between the

is currently functioning in a transitional environment. There are several elements of change underway in the Northwest Territories and in the relationship between the GNWT and Aboriginal communities. These factors present challenges to the implementation of changes to the Community Justice Initiative. While there will no doubt be difficulties in introducing program change, there is widespread recognition among our respondents of its need.

The options outlined are based on two fundamental alternatives for the Community Justice Program: maintaining the entire program in the Department of Justice within a Community Justice Division or transferring the key components of the program to an Aboriginal government, claimant or other appropriate organization with the Department's Community Justice Division maintaining funding and support functions.

In both alternatives, the continuing involvement of the Community Justice Division will be necessary and its existence as a separate entity in the Department of Justice must be maintained. This will benefit the program in a number of ways:

- community justice must have a "voice" and the Division Director should be involved as an equal partner with other Directors in the policy and decision-making processes of the Department of Justice;
- the independence of a Division can protect the aims and resources of community justice;
- community justice, which must include victims as well as offenders, must be differentiated from Corrections, which deals with offenders, and from Legal Services whose prime concern is to protect the rights of accused;
- it can be a "champion" for the program and raise the program's profile in the justice system and to the public;
- it can provide coordination, overall direction and specialized support to communities and transfer organizations within a clear mandate and without having to balance the interests of the program with potentially competing interests, as for instance, could be the case if the program was returned to Corrections.

In presenting the options for the Community Justice Program, the term "transfer" means the assumption of CJS positions and funds budgeted for communities within the jurisdiction covered by the transfer body. The contractual agreement will indicate that such funds can be allocated by the transfer host in negotiation with these communities/committees. Clearly, implementing any of the options for transfer will be contingent on the Department's ability to obtain the resources required to support this.

We have not included an option which addresses removal of program administration and jurisdiction from the Department of Justice to an Aboriginal self-government structure. Given the current stage of self-government negotiations, the issue of jurisdiction for justice has not been negotiated by any organization. Notwithstanding, the primary aim of the Community Justice Program is to increase the capability of Aboriginal peoples to deal with justice issues at the community level.

The following discussion of options for the program outlines the criteria which must be met for transfer, a description of each option and the advantages and disadvantages that should be considered.

CRITERIA FOR TRANSFER

There are several essential requirements that should be met by any potential transfer partner. These include:

- Demonstration that the Aboriginal government, claimant or other organization represents the constituency that it has defined as its jurisdiction through First Nation/municipal council resolution and that it is recognized by this constituency as an acceptable program "host".

- The transfer body should provide evidence of the stability of its represented community allegiances over a period of time through demonstration of membership and/or affiliation of communities.

- The transfer body should have well-established channels of communication with the communities in its jurisdiction and a history of accountability to the communities it is serving.

- In considering transfer to any organization, an assessment needs to be made of its management capability and the adequacy of its administrative infrastructure and processes for taking on an additional program. The organization's past experience in successful management and delivery of programs of similar size and scope will provide evidence for this.

- Since the Department will require both financial accountability and evidence that the program delivered by the organization is meeting the objectives of the Community Justice Division, an adequate infrastructure consistent with these responsibilities must be in place.

- The organization must provide a guarantee that all community members, i.e., Aboriginal and non-Aboriginal, will have access to the services funded by the Community Justice Program. This should be included as a clause in the negotiated agreement.

OPTION ONE: DEPARTMENT OF JUSTICE RETAINS THE PROGRAM

This option would preserve the current structure of the program within the Community Justice Division. It would, of course, still be necessary to address the program's current weaknesses and enhance its operations.

Advantages

- The changes required are within the Department's ability to implement, given adequate resources. These changes are administrative and operational only and do not require a structural redesign of the program.

- The Community Justice Division would continue to have maximum possible level of involvement in and control over the program. This would enable the Department to reshape and enhance the program so as to meet the Department's objectives.

- This option would maintain consistency of program operation across all communities as well as provide an enhanced capacity for program monitoring and evaluation.

- The Department of Justice would retain its links with communities both through the community justice specialists and its direct contact with communities. In this way, the Department can be apprised of community justice needs and problems as a basis for taking steps to address these.

Disadvantages

- The continuing centralized control by the Department fails to meet the aspirations of communities and regional bodies for greater control over community justice. This has both political and program implications. Some regional and territorial bodies have put their case for being prospective transfer "hosts" to the Department. Many respondents interviewed for this review have indicated that the 'distance' between "Yellowknife" (meaning the Department) and the program's implementation communities, with the CJSs being the primary link, has not enabled the program to be responsive to community needs. The solution that has been suggested is to decentralize the program to a level at which greater control by, and accountability to, communities can be provided.

Role of the Department of Justice

- ☐ The Department will remain as the program manager and delivery agent, retaining the functions it now carries out in relation to the program.

- ☐ The Department will have primary responsibility for implementing program changes as outlined in the recommendations of this report.

OPTION TWO: TRANSFER TO A JUSTICE INSTITUTION

This option would see the community funding allocation and the CJS positions move to the control of a justice institution that could deliver the range of justice-related services and programs required by communities in the Northwest Territories. A justice

institution, e.g., the Legal Services Board, must also demonstrate that it has established cooperative relations with Aboriginal communities and that these communities support its taking on the Community Justice Program.

Advantages

- An existing justice institution would have already established relationships with the various players in the justice system. This could facilitate the work of community justice committees and assist in the development of new community justice programs at the local level.

- This option would bring a range of justice-related programs under one organization and thus has the possibility of promoting a better integration of justice services to meet community needs. This could promote greater efficiency through avoiding duplication and overlap in program delivery.

Disadvantages

- This was not an option suggested by many respondents to our review. Most favoured greater control of the program by an Aboriginal organization(s) in a structure that would provide for increased responsiveness and accountability to communities.

- With a range of legal and justice programs already established, especially if services to accused/offenders constitute the main focus, it may be difficult to preserve the aims of the Community Justice Initiative to address victims' as well as offenders' needs.

- Consistent with the preceding, there is the danger that community justice resources could be diverted into serving the pressing requirements of the mainstream justice system and away from their intended use of helping communities to build alternative solutions to their justice-related problems.

- The mandate of an existing justice institution may not easily accommodate the Community Justice Program. This could require a complex process of change before transfer could be implemented.
- This option would duplicate the already existing program administrative infrastructure of the Department of Justice.

Role of the Department of Justice

- ☐ The Department will continue to secure program funding.

- ☐ The Department will administer the program contract negotiated with the justice institution, establish accountability and reporting requirements and monitor program management and delivery.

- The Department will implement program changes based on the recommendations in this report prior to transfer and/or assist the justice institution in implementing the needed changes.

- The Department will provide additional support services, such as training opportunities and expertise, research and evaluation, education and information forums involving programs in other jurisdictions, assistance with identifying and obtaining funding from other sources, program planning and development, coordination of community justice activities with probation, corrections, courts, RCMP and Crowns at senior management levels.

- The Department will work closely with the transfer partner as required to advance the operation and aims of the program.

OPTION THREE: TRANSFER TO A PAN-TERRITORIAL BODY

This option envisages a transfer to an existing body which meets the criteria outlined above as well as being able to demonstrate that it represents the Aboriginal and non-Aboriginal population across the territory. Endorsement of its territory-wide mandate should be in the form of First Nation and municipal council resolutions.

Advantages

- This option would simplify administrative and contractual arrangements for the Department in that it would be dealing with a single body that takes responsibility for managing the CJS and determining community allocations. The negotiated contract can provide for the necessary reporting, accountability and measures of program objectives achievement as desired by the Department.

- There is the potential for a pan-territorial body that delivers a range of social programs to integrate resources and coordinate delivery across the programs to better meet communities' social justice needs.

- The Community Justice Division would be relieved of the financial management of funding to 31 individual communities.

Disadvantages

- This arrangement continues to maintain centralized control of the program and, unless this pan-territorial body has a regionalized structure, CJSs would continue to be accountabie to a single employer and funding decisions would continue to be made by the centralized organization. In this regard, the structure would not be substantially different from the existing one. Many respondents feel that the

current structure works against community accountability and control because the funder and employer of the CJSs is centralized in one location.

- If the pan-territorial body has responsibility for a number of different programs, there is the risk of conflict with other mandates and that other programs may take priority. As a result, the Community Justice Program may not receive the attention and direction it requires. This could have a negative effect on the program's ability to address community justice needs.

Role of the Department of Justice

- The Department will continue to secure program funding.
- The Department will administer the program contract negotiated with the pan-territorial body, establish accountability and reporting requirements and monitor program management and delivery.
- The Department will implement program changes based on the recommendations in this report prior to transfer and/or assist the pan-territorial body in implementing the needed changes.
- The Department will provide additional support services, such as training opportunities and expertise, research and evaluation, education and information forums involving programs in other jurisdictions, assistance with identifying and obtaining funding from other sources, program planning and development, coordination of community justice activities with probation, corrections, courts, RCMP and Crowns at senior management levels.
- The Department will work closely with the transfer partner as required to advance the operation and aims of the program.

OPTION FOUR: TRANSFER TO A REGIONAL ORGANIZATION/ABORIGINAL GOVERNMENT

This option is based on the transfer of a regional CJS position and community funding allocations to an existing regional organization/Aboriginal government. It is expected, however, that the Community Justice Division will assist the organization(s) with the planning, training and informational supports as required to provide an effective Community Justice Program.

Advantages

- Transfer to a regional organization brings control of the program closer to the community level and provides greater responsiveness to community needs.

- The transfer organization would take on management of the CJS position and determination of the funding allocations for communities within its jurisdiction, thus relieving the Department of this responsibility. The negotiated contract can provide for the necessary reporting, accountability and measures of program objectives achievement as desired by the Department.

- Control of the CJS position by a regional organization/Aboriginal government will increase the accountability of this position to communities.

- This option addresses the desire of some existing regional bodies to take control of the program for their area.

- A decentralized program structure, through transfer, would facilitate relationships with other regionalized government and non-government programs. This would be the responsibility of a regional organization/Aboriginal government which represents the same communities being served by various regional bodies.

- There is the potential for a regional body that delivers a range of social programs to integrate resources and coordinate delivery across the programs to better meet communities' social justice needs.

- It would be possible for the Department of Justice to adopt a phased approach to transfer, starting with a single organization that would become a pilot for assessing areas that may need to be addressed prior to any subsequent transfers.

Disadvantages

- Regional organizations/Aboriginal governments may, over time, experience shifting allegiances of communities if some determine that their interests are not being well-served by that body. This could fragment the program and leave those communities without a funder or the support of a CJS. It would also require the Department to renegotiate transfer and to assume funding and support responsibilities for individual communities.

- There is a potential for conflict between communities themselves and between communities and the regional body arising out of competition for program funding.

- Administration of the program will be duplicated in each region to which it is transferred. Additional costs devoted to administration may reduce the dollars available for activities at the community level.

- Any transfer to a regional organization which administers several programs presents a risk that the various program mandates may be in conflict and that programs with lower levels of funding may not receive the attention they require.

- The Department will have to simultaneously administer differing transfer/non-transfer arrangements.

Role of the Department of Justice

- The Department will continue to secure program funding.
- The Department will implement program changes based on the recommendations in this report prior to transfer and/or assist the regional organization/Aboriginal government in implementing the needed changes.
- The Department will administer the program contract(s) negotiated with the regional organization/Aboriginal government, establish standardized accountability and reporting requirements and monitor program management and delivery.
- The Department will directly administer the program for the remaining communities not under the jurisdiction of the transfer partner(s).
- The Department will provide additional support services, such as training opportunities and expertise, research and evaluation, education and information forums involving programs in other jurisdictions, assistance with identifying and obtaining funding from other sources, program planning and development, coordination of community justice activities with probation, corrections, courts, RCMP and Crowns at senior management levels.
- The Department has a vested interest in the success of the transferred program, which would otherwise be returned to Departmental management, and will work closely with the transfer partner(s) as required to advance the operation and aims of the program.

OPTION FIVE: TRANSFER TO INDIVIDUAL COMMUNITIES

Transfer to individual communities could be done if a single community has a justice workload that warrants a full community justice specialist position or if a group of communities cooperated to purchase community justice services from the transfer community. There would have to be the appropriate infrastructure and experience on the part of the community to manage the program and access to program-funded services would have to be guaranteed for all Aboriginal and non-Aboriginal residents.

Advantages

- This option would provide direct community control over the program and increase accountability to the community for the program's activities.
- It would optimize the responsiveness and flexibility of the program in addressing community needs.

- There is the potential that this structure would eventually be consistent with individual First Nation self-government.

Disadvantages

- At the current resourcing level, the community justice specialist position would have to be fragmented among several communities. This would be detrimental to the effectiveness of the position and the efficient delivery of service to communities.

- There would be resource implications for the Department if the number of specialist and coordinator positions needed to increase substantially for program transfer to a significant number of individual communities.

- Having a large number of individual arrangements with communities would add substantially to the administrative workload of the Division and the Department.

- There may be increased opportunity for conflicts of interest to enter the operation of community justice activities.

Role of the Department of Justice

- The Department will continue to secure program funding.

- The Department will implement program changes based on the recommendations in this report prior to transfer and/or assist the individual communities/groups of communities in implementing the needed changes.

- The Department will administer the program contract(s) negotiated with individual communities/groups of communities, establish standardized accountability and reporting requirements and monitor program management and delivery.

- The Department will directly administer the program for non-transfer communities.

- The Department will provide additional support services, such as training opportunities and expertise, research and evaluation, education and information forums involving programs in other jurisdictions, assistance with identifying and obtaining funding from other sources, program planning and development, coordination of community justice activities with probation, corrections, courts, RCMP and Crowns at senior management levels.

- The Department has a vested interest in the success of the transferred program, which would otherwise be returned to Departmental management, and will work closely with the transfer partner(s) as required to advance the operation and aims of the program.

ASSESSMENT OF OPTIONS

As the above discussion of the five potential options for future Community Justice Program direction indicates, there are both advantages and disadvantages to each. Neither Option One (i.e., remaining with the Department) nor Option Two (i.e., transfer to a justice institution), keeping in mind that implementation of recommendations for program change is required before any option is exercised, addresses the desire of many communities and Aboriginal organizations for greater control of community justice and accountability closer to the community level. Although Option Three (i.e., transfer to a pan-territorial body) offers the potential for increased Aboriginal control of the program, it also suffers from the same drawback as Option One in that it would preserve the highly centralized structure that currently exists and is widely regarded as not able to be adequately responsive to differing community and regional needs.

In all of the transfer options, there will be some duplication of administrative structures with the remaining role of the Department of Justice. Transfer to several regional organizations will require similar administrative functions to be carried out in each. The costs of administration, given that new program moneys appear unlikely, will have to come out of the existing program budget thus decreasing the funds available for program delivery at the community level. The Territorial government has indicated that there will be a budget deficit. This could result in the possibility of funding reductions rather than the likelihood of increasing resources for many programs. The extent to which this may be acceptable to prospective transfer partners will have to be weighed against the advantages of transfer in terms of increased local control, greater accountability and responsiveness to community needs and potential for improved coordination between the Community Justice Program and other regional programs managed by a regional body. Some administrative efficiencies may be gained, however, thereby reducing the impact on program delivery.

While maintaining the current program structure in the Department of Justice has the clear advantage of minimizing administrative costs (and therefore maximizing community funding), it does not meet the expressed desire to have the program delivered closer to the community level where the benefits can be best realized. Ultimately, Option Four (i.e., transfer to a regional organization/Aboriginal government) holds the most promise for optimizing the program's aims and the aspirations indicated by respondents to this review. This Option should be exercised with full understanding of the parties that community funding may be affected and that an initial "pilot" transfer may be the best way to demonstrate: increased accountability to the community level, increased effectiveness and responsiveness to local and regional issues, greater control of community justice, new partnerships in community justice initiatives, and administrative efficiencies in the program.

10.0 RECOMMENDATIONS FOR THE GNWT COMMUNITY JUSTICE INITIATIVE

This chapter brings together the recommendations from each of the previous sections.

ROLE OF COMMUNITY JUSTICE SPECIALISTS - CHAPTER 4.0

- The importance of the CJS role in supporting committees and coordinators has been emphasized by respondents. The Department of Justice should, therefore, maintain the position of Community Justice Specialist.

- Undertake a review of the community justice specialist job description to clarify the role of the community justice specialist in the overall initiative:
  (a) identify relevant job duties and responsibilities and priority activities
  (b) clarify relationships with the Department of Justice, regional or local authorities, communities and community justice committees
  (c) determine appropriate reporting and accountability requirements to the Department of Justice, regional or local authorities, communities and community justice committees
  (d) consider required candidate skills and relevant experience
  (f) define the meaning of "community development" activities within CJS duties and responsibilities, especially as they relate to proactive activities at the community level.

- The ability of community justice specialists to fulfil their job duties is dependant upon their skill level and experience in addressing community needs. In order to maximize the role of the CJS, the Department of Justice should establish a systematic approach for identifying training programs that will enable community justice specialists to better address the justice needs of communities and community justice committees (including 'how to' training skills, facilitation skills, motivation, record keeping, time management and work planning and effective communication).

- Overload, burnout and other job-related stresses affect the performance of community justice specialists as do issues from their own pasts that may be reopened during the course of assisting others. The Department of Justice needs to examine healing and self-help opportunities for community justice specialists who may be coping with personal and job-related issues.

- The high level of uncertainty regarding the activities of community justice specialists suggests the need to examine their reporting and accountability mechanisms. The Department of Justice should undertake a review of these requirements in order to ensure that community justice specialists are able to provide more detailed information about the tasks and activities carried out in relation to their job duties and responsibilities.

- As noted in the previous recommendation, the lack of reporting on tasks and activities of justice specialists creates uncertainty regarding their job performance and effectiveness. In order to facilitate more effective monitoring of CJS activities the Department of Justice should consider the development of a work plan template to assist community justice specialists in the preparation of annual work plans. These work plans should be submitted to and approved by the Community Justice Division and used by the Division to help communities understand the training needs, range of activities and level of involvement the justice specialist has in their region.

COMMUNITY JUSTICE COMMITTEES - CHAPTER 5.0

- Community justice committees in conjunction with Contribution Agreement Signatory agencies or local authorities should be encouraged to undertake the preparation of a mandate statement to clarify their purpose, aims, goals and objectives.

- The Department of Justice should assist in the above recommendation through the preparation of a generic template to facilitate communities in the development of a mandate statement.

- Community justice committees should be encouraged to customize the "Program Manual" to reflect their activities and interests and to function as a policy and procedures manual for committees.

- Community justice committees and coordinators should be encouraged to identify criteria for committee member participation. Criteria should be designed to address the issues of candidate selection, conflict of interest and bias, prerequisite skills and/or experience.

- Community justice committees should be encouraged to develop an orientation package for the recruitment and orientation of new committee members/coordinators.

- The Department of Justice should assist in the above recommendation through the preparation of a generic package to facilitate communities in developing a suitable document of their own.

- Community justice committees should be encouraged to undertake a training needs assessment of their membership to facilitate the development of training plans for the committees. Committees should be encouraged to develop training priorities over both the short and medium term.

- The Division and Department must examine the budgetary implications of increased training fund requests from community justice committees.

- Community justice committees should be encouraged to explore ways of increasing their profile with their community and with the justice system as a whole.

- As the demands on community justice committees continue to grow, committees should be encouraged to identify priorities for their activities, and those of coordinators.

- Community justice committees should be required to maintain accurate records documenting their activities. The Department of Justice could assist in this process through the preparation of reporting formats that clearly identify its data and informational requirements. The Department of Justice could also assist by providing or funding training for committees on record keeping.

- Given the important role that community justice specialists play as Departmental employees in their relationships with community justice committees, linkages between specialists and committees need to operate at an optimal level. Community justice specialists should be required to fully account for the frequency, types and outcomes of contact with committees. The Department of Justice should examine ways of enhancing communications and working relations between these two critical components of community justice.

- Community justice specialists should be instructed to facilitate the formation of networks and linkages between community justice committees, coordinators and other community level justice players and organizations with agencies external to the justice sector. These networks and linkages could take the form of information exchanges, agency role and service clarification, supportive assistance (such as referral networks), interagency councils/committees.

- Community justice committees should be encouraged to establish regular communication with their local RCMP detachment regarding the interpretation and application of diversion criteria. Community justice specialists should periodically meet with both the RCMP and committees to review the protocols and determine whether these are working to the satisfaction of all parties.

- The Community Justice Division and the Division of Corrections, with the development of a stand-alone probation service, should mutually assess the opportunities for integrated training of probation officers, CJSs, committee members and coordinators.

- The Community Justice Division and the Division of Corrections should emphasize to CJSs, committees, coordinators and probation officers the importance of establishing contact to determine whether there are ways in which they might work in common to prevent and reduce crime.

- Senior Department of Justice management should take on a more active role in communicating with RCMP management and Crown Attorneys to make them more

aware of the operation of the program and the ways in which these important justice system actors can support it.

FUNDING AND ACCOUNTABILITY - CHAPTER 6.0

- More regular written reporting is necessary from the CJSs, both to the Division to fulfil their accountability as employees and to communities to maintain their accountability for services being provided.

- Reporting to the Division and to the communities by the CJSs should be based on their work plans and indicate which activities have been carried out, which have not, the reason why not, problems encountered and any needs for resources or assistance. The optimal reporting period to the Division can be determined by the Director in consultation with the CJSs but should be at least quarterly. Reporting to the communities should also be done on a regular basis through meetings with local governments, especially at the beginning of the fiscal year to discuss the work plan. Committees and local governments can subsequently be sent copies of part or all of the CJSs' written reports to the Division.

- CJSs should meet with committees/coordinators/sponsoring organizations (or by telephone/e-mail if necessary) when contribution agreements have been sent to go through the agreement and ensure that it will not get "lost" among other paper work. At the same time, the reporting requirements and types of information requested should be fully explained and a time-frame specifically set out for these. The CJS must systematically follow-up at an early enough point with committees/coordinators/sponsoring organizations and provide assistance if needed.

- The Division and the Department should examine its own process for sending agreements and cheques with respect to timing. Communities should have their moneys when they expect to receive them, if reports have been submitted.

- A simplified reporting form, standard for all committees/coordinators, needs to be designed and provided to committees/coordinators/sponsoring organizations as part of the contribution agreement package. In one or two pages, the key data requirements can be set out in a check-off, fill-in-the-blanks, yes/no format. Among the questions to be included should be to identify any problems affecting their functioning which they have encountered, either with the Division or with other parties, as well as any needs that may have emerged.

- Funding should be enhanced for the training needs of committees/coordinators. This is necessary for some of their reporting functions, e.g., bookkeeping, records maintenance. The importance and potential uses of adequate documentation to the committees/local projects and communities they serve needs to be part of this training. As one respondent pointed out, knowledge about their experience helps "to build the process of starting a new justice system".

- A forum for committees to be able to share their current efforts in collecting and maintaining information as well as the uses made of this information should be provided by the Community Justice Division. Three coordinators/committees in the eight visited communities are now developing systems to track their activities and decisions. Their models and experience may meet the needs of both other communities and the Division.

- The ability of committees and projects to plan their activities so that they can respond to local needs and demands requires predictability of the funding amount and its timing. The Community Justice Division informs communities of the amount they can expect. Timing is a problem, however, not just in terms of the current process but also with regard to the portion of the total payment being provided in each instalment. Some committees find that they require more funds at the beginning of the year or at specific points in order to implement some activities. Consideration should be given to changing the instalment sizes if a committee/coordinator presents a plan requiring this.

- While the Community Justice Division requires information from communities, it also has a responsibility to provide communities with adequate and current information about its own activities, developments in Territorial justice system processes and practices, potential funding sources, changes in legislation or legal interpretations that may affect the work being carried out by committees. A periodic newsletter, including this as well as other information about community justice, should be prepared and distributed to the coordinators by the Division. Creation of a web-site for the program should be considered as an increasing number of communities are gaining access to the internet. The costs of internet access should be provided by the program.

EVALUATION AND MONITORING FRAMEWORK FOR THE COMMUNITY JUSTICE INITIATIVE - CHAPTER 7.0

- Before an evaluation framework can be designed, the Community Justice Division must clearly define its aims and objectives as well as the activities it is undertaking to specifically achieve these aims and objectives.

- The uses to be made of the information should be established as a guide to setting priorities for collecting the necessary data. Among these uses should be that of providing to committees/community projects the accumulated knowledge about their own programs and the results they are achieving.

- A number of supports (including training) are required by committees/sponsoring organizations if the Department of Justice will be asking them to collect and provide a range of detailed data. The Community Justice Division must make provision for these supports in order to be able to obtain consistent, reliable and accurate information.

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APPENDIX A

REVIEW RESPONDENTS

DEPARTMENT OF JUSTICE - MANAGEMENT

Deputy Minister
Assistant Deputy Minister
Director, Community Justice Division
Director, Division of Corrections
Director, Community Corrections, Division of Corrections
Director, Policy and Planning Division

Former Directors, Community Justice Division (2)

CURRENT & FORMER COMMUNITY JUSTICE SPECIALISTS

Deline
Fort Simpson (1 current and 1 former)
Inuvik (1 current and 2 former)
Yellowknife

COMMUNITY/YOUTH JUSTICE COMMITTEE CHAIRS, MEMBERS & COORDINATORS

Deline (chair)
Fort Good Hope (coordinator)
Fort McPherson (coordinator)
Fort Resolution (chair and 2 members)
Fort Smith
Hay River (chair)
Inuvik (chair, coordinator and 2 members)
Tuktoyaktuk (coordinator)
Tulita (sponsoring organization)
Wrigley (coordinator)

GRAND CHIEFS/CHIEFS OR REPRESENTATIVES

Dene Nation (2)
Deninu Kue First Nation
Jean Marie River Band
Lidlii Kue First Nation
Sachs Harbour
Sahtu Dene Council
Tetlit Gwich'in Council
West Point First Nation
Yellowknives Dene First Nation

ABORIGINAL ORGANIZATIONS

Dene Cultural Institute
Gwich'in Tribal Council
Inuvaluit Regional Corporation (3)
Métis Nation (2)
North Slave Métis Alliance

OTHER ORGANIZATIONS

Beaufort/Delta Legal Services Clinic (2)
John Howard Society
Justice Canada, Aboriginal Justice Directorate (2)
Justice Canada, Crown Attorney, Inuvik
Legal Services Board (2)
MACA
Status of Women Council (2)
Town of Norman Wells
Yellowknife Health & Social Services Board

RCMP

NWT Superintendent
Aklavik Detachment
Deline Detachment
Fort Good Hope Detachment
Fort Liard Detachment
Fort McPherson Detachment
Fort Providence Detachment
Fort Resolution Detachment
Fort Simpson Detachment
Fort Smith Detachment
Hay River Detachment
Holman Island Detachment
Inuvik Detachment
Lutselk'e Detachment
Norman Wells Detachment
Paulatuk Detachment
Rae Detachment
Sachs Harbour Detachment
Tuktoyaktuk Detachment
Tulita Detachment
WhaTi Detachment
Yellowknife Detachment (3)

APPENDIX B

INVENTORY OF ACTIVE COMMUNITY JUSTICE COMMITTEES

The following pages present an inventory of the community justice committees that were considered by the Community Justice Program to have been active in 1998. The information is based on Community Justice Division documents, interviews with community justice specialists and RCMP statistics regarding diversions. The data provided in the tables may be incomplete in some respects as not all committees have yet submitted their year-end reports. In some cases, the "activities" carried out by committees may, therefore, not include all of those actually undertaken in 1998. The RCMP figures on diversions rely on the accuracy of the reports from each detachment. It is highly likely that the number of diversions is under-reported and these figures should be regarded as the minimum numbers in each case.

The distinction between "active" and "inactive" committees is based on the best and most current knowledge which the Community Justice Division could provide, given that many communities have not provided all of their funding reports. The following 15 communities were judged to have "active" committees and have been included in this inventory:

- Fort McPherson
- Tuktoyaktuk
- Inuvik
- Fort Good Hope
- Deline
- Tulita
- Fort Resolution
- Hay River Reserve
- Hay River Enterprise
- Kakisa
- Lutselk'e
- Fort Smith
- Wrigley
- Fort Simpson
- Yellowknife (John Howard Society)

Another 11 communities were deemed to have "inactive" committees although many have used program funding to carry out a range of activities such as: community healing workshops, workshops on traditional justice, participation in justice conferences or regional community justice forums, and crime prevention events for youth.

- Paulatuk
- Sachs Harbour
- Tsiigehtchic
- Norman Wells
- Fort Liard
- Jean Marie River
- Nahanni Butte

- Trout Lake
- Rae
- Wha Ti
- Dettah/Ndilo

The following five communities have no committees although, again, some occasional events and programs have been planned and carried out with Community Justice Program funding.

- Snare Lakes
- Colville Lake
- Gameti
- Fort Providence
- Aklavik.

COMMUNITY JUSTICE COMMITTEE IN INUVIK
COMMUNITY JUSTICE SPECIALIST - PHILA FYTEN

COMMITTEE CHARACTERISTIC	DESCRIPTION
Membership	17 members Paid coordinator No honouraríums
Frequency of Meeting	Every two weeks depending on the number of diversions
Criteria for Membership	Interest and willingness Criminal records check (should be clear for 3 years) Try to keep a balance between different community Groups
Structure	Full-time coordinator All members are equal in position
Training provided in past year	Most training is done by the specialist such as law and criminal code issues, organizational and administration skills Family group conferencing through the RCMP The committee wants funding for training in dealing with difficult clients and members, job stress and burnout, counselling in abuse and alcohol issues
Funding 1998/99	$38,000 Department of Justice (GNWT) $38,000 Aboriginal Justice Directorate
Activities carried out	Diversions – 23 in 1998/99 Administers fine option/community service order program Hired student to prepare community justice resource manual Supervises community service activities of diverted persons
Diversion cases 1998	Referred: 18 / Cleared: 11 / Back to RCMP: / Through Court:
Support provided by CJS: - visits	2 times a year/on request by committee (CJS resident community)
- frequency of contact	Bi-weekly
- assistance requested/provided	Sources of information Conflict resolution Budget questions Legal advice Interpretation of the Criminal Code Committee authority parameters
- assistance requested but not able to provide	Money for training and projects Some legal advice

COMMUNITY JUSTICE COMMITTEE IN FORT MCPHERSON
COMMUNITY JUSTICE SPECIALIST - PHILA FYTEN

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	8 members 5 project volunteers Paid coordinator			
Frequency of Meeting	Monthly meetings plus as required for diversions			
Criteria for Membership	Interest and willingness Criminal records check (should be cleared for 3 years) Try to keep a balance between different community groups			
Structure	Part-time coordinator All members are equal in position			
Training provided in past year	Most training is done by CJS such as law and criminal code issues, organizational and administration skills			
Funding 1998/99:	$18,000 Department of Justice (GNWT) $18,000 Aboriginal Justice Directorate $10,000 reallocation from another community			
Activities carried out	Diversions – 26 youth/10 adults in 1998/99 Regional traditional justice workshop Administers fine option/community service order program Work plan for year Policy development Supervising community service work for diverted individuals			
Diversion cases 1998	Referred 13	Cleared 12	Back to RCMP 1	Through Court 1
Support provided by CJS: -visits	Once a year/on request of committee			
- frequency of contact	Once every 6 weeks			
- assistance requested/provided	Sources of information Conflict resolution Budget questions Legal advice Interpretation of the Criminal Code Committee authority parameters			
- assistance requested but not able to provide	Money for training and projects Some legal advice			

COMMUNITY JUSTICE COMMITTEE IN TUKTOYAKTUK
COMMUNITY JUSTICE SPECIALIST - PHILA FYTEN

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	6 members Paid coordinator			
Frequency of Meeting	Meet whenever there is a diversion			
Criteria for Membership	Interest and willingness Criminal records check (should be clear for 3 years) Try to keep a balance between different community members			
Structure	Part-time coordinator All members are equal in position			
Training provided in past year	Family group conferencing by RCMP (1 committee member). Most of the training is done by the CJS such as law and criminal code issues, organizational and administration skills			
Funding 1998/99	$18,000 Department of Justice (GNWT) $10,000 reallocation			
Activities carried out	Diversions – 18 adults/41 youth in 1998/99 Supervising community service work of diverted individuals			
Diversion cases 1998	Referred 35	Cleared 17	Back to RCMP 5	Through Court 7
Support provided by CJS: -visits	Community visits every 12 weeks/on request of committee			
- frequency of contact	Once every 6 weeks			
- assistance requested/provided	Sources of information Conflict resolution Budget questions Legal advise Interpretation of the Criminal Code Committee authority parameters			
- assistance requested but not able to provide	Money for training and projects Some legal advice			

COMMUNITY JUSTICE COMMITTEE IN FORT SIMPSON
COMMUNITY JUSTICE SPECIALIST - TRACEY MCPHERSON

COMMITTEE CHARACTERISTIC	DESCRIPTION
Membership	Paid coordinator Usually 6-10 members
Frequency of Meeting	Once a month plus diversion hearings
Criteria for Membership	Members are suggested by the community Members are usually respected members of the community Members are appointed by the band according to their reputation There is a criminal records check but a record does not necessarily disqualify a member
Structure	No distinct positions Committee decides what positions are necessary Paid coordinator
Training provided in past year	CJS has a Masters in Social Work and delivers all the training It is her policy and she makes every effort to deliver 8 training sessions a year - 4 discussion, 4 workshops CJS facilitates workshops at the request of the committee including: role play diversions, empowerment workshops for committee members, decision making processes and legal issue discussion
Funding 1998/99	$25,500 Department of Justice GNWT
Activities carried out	Diversions Works with Fresh Start Program Committee workshops Committee training
Diversion cases 1998	Referred: 9 / Cleared: 7 / Back to RCMP: 0 / Through Court: 0
Support provided by CJS: -visits	Visits community once a month
- frequency of contact	Attempts to call every week
- assistance requested/provided	CJS offered advice on legal issues, funding questions, the role and protocol of the committee and general information
- assistance requested but not able to provide	Funding

COMMUNITY JUSTICE COMMITTEE IN WRIGLEY
COMMUNITY JUSTICE SPECIALIST - TRACEY MCPHERSON

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	Usually 6-10 members Paid coordinator			
Frequency of Meeting	Once a month plus diversion hearings			
Criteria for Membership	Members are suggested by the community Members are usually respected members of the community Members are appointed by the band according to their reputation There is a criminal records check but a record does not necessarily disqualify a member			
Structure	Full-time coordinator Committee decides what positions are necessary			
Training provided in past year	CJS has a Masters in Social Work and delivers all the training It is her policy and she makes every effort to deliver 8 training sessions a year - 4 discussion, 4 workshops CJS facilitates workshops at the request of the committee including: role play diversions, empowerment workshops for committee members, decision making processes and legal issue discussion Sent coordinator to Edmonton to attend a Native RCMP convention			
Funding 1998/99	$25,000 Department of Justice GNWT $25,000 Aboriginal Justice Directorate			
Activities carried out	Wrigley does not have an RCMP officer so there were no diversions			
Diversion cases 1998	Referred 0	Cleared 0	Back to RCMP	Through Court
Support provided by CJS: - visits	Visits community once a month			
- frequency of contact	Attempts to call every week			
- assistance requested/provided	CJS offered advice on legal issues, funding questions, the role and protocol of the committee and general information			
- assistance requested but not able to provide	Funding			

COMMUNITY JUSTICE COMMITTEE IN YELLOWKNIFE - JOHN HOWARD SOCIETY
COMMUNITY JUSTICE SPECIALIST - LAWRENCE NORBERT

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	40 members			
Frequency of Meeting	Meet once a month			
Criteria for Membership	Criminal record check			
Structure	40 members Only formal position is the coordinator which is selected by the committee			
Training provided in past year	Two training sessions Committee is largely responsible for its own training program - personal awareness and development, discussions on spousal abuse, guest speakers from outside agencies Members speak with RCMP, JP, nurses, school counsellors, victim assistance workers Depending on funding, a committee member may travel to another community to share ideas and experiences They may travel out of the territories to attend a workshop			
Funding 1998/99	$73,000 Department of Justice GNWT			
Activities carried out	Diversions Fine option/community service order program After-care to clients They do some crime prevention in conjunction with other committees, teen programs, land trips, school and counselling programs			
Diversion cases 1998	Referred 2	Cleared 2	Back to RCMP 0	Through Court 0
Support provided by CJS: -visits	Once a month (CJS resident community)			
- frequency of contact	Once a week			
- assistance requested/provided	Money issues for honorariums, resources and materials Information on training and workshops A contact with the Department of Justice CJS supports the committee's decisions			

COMMITTEE CHARACTERISTIC	DESCRIPTION
- assistance requested but not able to provide	None

COMMUNITY JUSTICE COMMITTEE IN FORT RESOLUTION
COMMUNITY JUSTICE SPECIALIST - HELEN HUDSON MCDONALD

COMMITTEE CHARACTERISTIC	DESCRIPTION
Membership	No paid coordinator
Frequency of Meeting	Once a month plus any diversion hearings
Criteria for Membership	Criminal records check Members volunteer with the support of the community, the band council and Metis council BCR (band vote)
Structure	Committee has a contact person and all the members have equal status Band office does the administrative work
Training provided in past year	One orientation workshop for each member on community justice systems, models, role plays and input from elders on justice practices in the past CJS attends training sessions on family group conferencing, crime prevention, restorative justice and management strategies and then presents these concepts to the committee members
Funding 1998/99	$15,500 Department of Justice GNWT
Activities carried out	Diversions Elder Senate working with JP court Training/orientation workshop for Youth Justice Committee Involved in crime prevention programs such as land programs, after-school programs
Diversion cases 1998	Referred: 4 / Cleared: 4 / Back to RCMP: 0 / Through Court: 0
Support provided by CJS: -visits	Once a month
- frequency of contact	Tries to call once a week
- assistance requested/provided	Information on funding sources Administrative support Feedback on committee effectiveness
- assistance requested but not able to provide	Needs funding to hire a coordinator There needs to be a training budget - CJS used her travel budget for training

COMMUNITY JUSTICE COMMITTEE IN FORT SMITH
COMMUNITY JUSTICE SPECIALIST - HELEN HUDSON MCDONALD

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	No paid coordinator			
Frequency of Meeting	Once a month plus any diversion hearings			
Criteria for Membership	Criminal records check Members volunteer with the support of the community, the band council and Metis council BCR (band vote)			
Structure	Committee has a contact person and all the members have equal status Band office does the administrative work			
Training provided in past year	One orientation workshop for each member on community justice systems, models, role plays and input from elders on justice practices in the past CJS attends training sessions on family group conferencing, crime prevention, restorative justice and management strategies and then presents these concepts to the committee members Committees currently interested in healing workshops			
Funding 1998/99	$38,000 Department of Justice GNWT			
Activities carried out	Diversions – 36 in 1998/99 Presentations on youth justice at meetings of local agencies, schools Fresh Start Program Involved in crime prevention programs such as land programs, after-school programs			
Diversion cases 1998	Referred 2	Cleared 2	Back to RCMP 0	Through Court 0
Support provided by CJS: -visits	(CJS resident community)			
- frequency of contact	Tries to call once a week			
- assistance requested/provided	Information on funding sources Administrative support Feedback on committee effectiveness			
- assistance requested but not able to provide	Needs funding to hire a coordinator Need a training budget - CJS used her travel budget for training			

COMMUNITY JUSTICE COMMITTEE IN HAY RIVER RESERVE
COMMUNITY JUSTICE SPECIALIST - HELEN HUDSON MCDONALD

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	8 members No paid coordinator			
Frequency of Meeting	Once a month plus any diversion hearings			
Criteria for Membership	Criminal records check Members volunteer with the support of the community, the band council and Metis council BCR (band vote)			
Structure	Committee has a contact person and all the members have equal status Band office does administrative work			
Training provided in past year	One orientation workshop for each member on community justice systems, models, role plays and input from elders on justice practices in the past CJS attends training sessions on family group conferencing, crime prevention, restorative justice and management strategies and then presents these concepts to the committee members			
Funding 1998/99	$10,500 Department of Justice GNWT			
Activities carried out	Circle sentencing Referrals from court School presentations on justice issues Awareness of justice issues			
Diversion cases1998	Referred 0	Cleared 0	Back to RCMP 0	Through Court 0
Support provided by CJS: -visits	Once a month			
- frequency of contact	Tries to call once a week			
- assistance requested/provided	Information on funding sources Administrative support Feedback on committee effectiveness			
- assistance requested but not able to provide	Needs funding to hire a coordinator Need a training budget - CJS used her travel budget for training			

COMMUNITY JUSTICE COMMITTEE IN HAY RIVER
COMMUNITY JUSTICE SPECIALIST - HELEN HUDSON MCDONALD

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	8 members No paid coordinator			
Frequency of Meeting	Once a month plus any diversion hearings			
Criteria for Membership	Criminal records check Members volunteer with the support of the community, the band council and Metis council BCR (band vote)			
Structure	Chairperson			
Training provided in past year	One orientation workshop for each member on community justice systems, models, role plays and input from elders on justice practices in the past CJS attends training sessions on family group conferencing, crime prevention, restorative justice and management strategies and then presents these concepts to the committee members			
Funding 1998/99	$38,000 Department of Justice GNWT			
Activities carried out	Youth diversions Fine options program Keep Kids in School program Family conferences Committee members to conference : REAL Justice			
Diversion cases1998	Referred 8	Cleared 7	Back to RCMP 1	Through Court 1
Support provided by CJS: -visits	Once a month Attends committee meetings			
- frequency of contact	Tries to call once a week			
- assistance requested/provided	Applying for appointments Administrative support Information and clarification on some matters			
- assistance requested but not able to provide	None			

COMMUNITY JUSTICE COMMITTEE IN KAKISA
COMMUNITY JUSTICE SPECIALIST - HELEN HUDSON MCDONALD

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	No paid coordinator			
Frequency of Meeting	Once a month plus any diversion hearings			
Criteria for Membership	Criminal records check Members volunteer with the support of the community, the band council and Metis council BCR (band vote)			
Structure	Committee has a contact person and all the members have equal status Band office does the administrative work			
Training provided in past year	One orientation workshop for each member on community justice systems, models, role plays and input from elders on justice practices in the past CJS attends training sessions on family group conferencing, crime prevention, restorative justice and management strategies and then presents these concepts to the committee members Committee currently interested in healing workshops			
Funding 1998/99	$8,000 Department of Justice GNWT			
Activities carried out	Diversions Healing the community Conflict resolution with young offenders Workshop on dealing with crime problems in traditional ways			
Diversion cases 1998	Referred 1	Cleared 0	Back to RCMP 1	Through Court 1
Support provided by CJS: -visits	Once a month			
- frequency of contact	Tries to call once a week			
- assistance requested/provided	Information on funding sources Administrative support Feedback on committee effectiveness			
- assistance requested but not able to provide	Needs funding to hire a coordinator Need a training budget - CJS used her travel budget for training			

COMMUNITY JUSTICE COMMITTEE IN LUTSELK'E
COMMUNITY JUSTICE SPECIALIST - HELEN HUDSON MCDONALD

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	No paid coordinator			
Frequency of Meeting	Once a month plus any diversion hearings			
Criteria for Membership	Criminal records check Members volunteer with the support of the community, the band council and Metis council BCR (band vote)			
Structure	Each committee has a contact person and all the members have equal status Band office does the administrative work			
Training provided in past year	One orientation workshop for each member on community justice systems, models, role plays and input from elders on justice practices in the past CJS attends training sessions on family group conferencing, crime prevention, restorative justice and management strategies and then presents these concepts to the committee members			
Funding 1998/99	$10,500 Department of Justice GNWT			
Activities carried out	Diversions			
Diversion cases 1998	Referred 6	Cleared 0	Back to RCMP 0	Through Court 0
Support provided by CJS: -visits	Cannot get to this community every month as it is only accessible by air			
- frequency of contact	Tries to call once a week			
- assistance requested/provided	Information on funding sources Administrative support Feedback on committee effectiveness			
- assistance requested but not able to provide	Needs funding to hire a coordinator There needs to be a training budget - CJS used her travel budget for training			

COMMUNITY JUSTICE COMMITTEE IN DELINE
COMMUNITY JUSTICE SPECIALIST - MARY KODAKIN

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	Paid coordinator 7 or more members			
Frequency of Meeting	2-3 times/month for diversions			
Criteria for Membership	Committee advertises for new members A new member is appointed by the public A member must have a clean record for the past two years, must be a resident of the community for two years and must be sober for two years			
Structure	Chairperson and vice-chair All members have equal status Administration done by band council			
Training provided in past year	In March 1998 there was a Justice Conference where they discussed what is community justice, what is the role, justice strategies, and working together (funded by Department of Justice) In June 1998 there was a conference in Norman Wells on Family Group Conferencing Other workshops include circle sentencing, conditional sentencing and orientations for new members			
Funding 1998/99	$20,500 Department of Justice GNWT $24,200 Aboriginal Justice Directorate			
Activities carried out	Diversions Workshop on high risk youth Fine option program Bush camp			
Diversion cases 1998	Referred 46	Cleared 8	Back to RCMP 1	Through Court 1
Support provided by CJS: -visits	Resident in this community			
- frequency of contact	Weekly			
- assistance requested/provided	Organizing meetings, administration work, legal information, information on individuals, coordination between committees, information from other regions Assistance with funding proposals			
- assistance requested but not able to provide	Funding			

COMMUNITY JUSTICE COMMITTEE IN FORT GOOD HOPE
COMMUNITY JUSTICE SPECIALIST - MARY KODAKIN

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	Paid coordinator 7 or more members			
Frequency of Meeting	Once a month			
Criteria for Membership	Committee advertises for new members A new member is appointed by the public A member must have a clean record for the past two years, must be a resident of the community for two years and must be sober for two years			
Structure	Chairperson and vice-chair All members have equal status Administration done by band council			
Training provided in past year	In March 1998 there was a Justice Conference where they discussed what is community justice, what is the role, justice strategies, and working together (funded by Department of Justice) In June 1998 there was a conference in Norman Wells on Family Group Conferencing Other workshops include circle sentencing, conditional sentencing and orientations for new members			
Funding 1998/99	$28,000 Department of Justice GNWT $18,000 Aboriginal Justice Directorate			
Activities carried out	Diversions Workshops – high risk kids, team building Fine option/community service order program Assistance to victims Participation in learning meetings (RCMP, alcohol and drug) Planned activities with volunteers			
Diversion cases 1998	Referred 20	Cleared 13	Back to RCMP 4	Through Court 4
Support provided by CJS: -visits	Every two months she spends 2 days in the community			
- frequency of contact	Weekly			
- assistance requested/provided	Organizing meetings, administration work, legal information, information on individuals, coordination between committees, information from other regions			

COMMITTEE CHARACTERISTIC	DESCRIPTION
- assistance requested but not able to provide	Funding

COMMUNITY JUSTICE COMMITTEE IN TULITA
COMMUNITY JUSTICE SPECIALIST - MARY KODAKIN

COMMITTEE CHARACTERISTIC	DESCRIPTION			
Membership	Paid coordinator 7 or more members			
Frequency of Meeting	Once a month			
Criteria for Membership	Committee advertises for new members A new member is appointed by the public A member must have a clean record for the past two years, must be a resident of the community for two years and must be sober for two years			
Structure	Chairperson and vice-chair All members have equal status Administration done by Wellness Agency			
Training provided in past year	In March 1998 there was a Justice Conference where they discussed what is community justice, what is the role, justice strategies, and working together (funded by Department of Justice) In June 1998 there was a conference in Norman Wells on Family Group Conferencing Other workshops include circle sentencing, conditional sentencing and orientations for new members			
Funding 1998/99	$23,000 Department of Justice GNWT			
Activities carried out	Diversions – 36 youth/38 adult in 1998/99 Healing workshops Traditional skills teaching to young people Fine option/community service order program Committee works closely with the Wellness Agency			
Diversion cases 1998	Referred 21	Cleared 15	Back to RCMP 7	Through Court 7
Support provided by CJS: -visits	Every two months she spends 2 days in the community			
- frequency of contact	Weekly			
- assistance requested/provided	Organizing meetings, administration work, legal information, information on individuals, coordination between committees, information from other regions			

COMMITTEE CHARACTERISTIC	DESCRIPTION
- assistance requested but not able to provide	Funding – for healing workshops, after-care and out-on-the-land program Committee would like to process more serious cases, they could provide support in sexual assault cases